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ESSAYS
IN
GRECO-ROMAN
AND RELATED
TALMUDIC LITERATURE

Selected with a Prolegomenon
by
HENRY A. FISCHER

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ABBREVIATIONS

Periodicals are given in *italics*, monograph series
in capital letters

| | |
|--------------|---|
| AAJR | American Academy for Jewish Research |
| BWANT | BEITRÄGE ZUR WISSENSCHAFT VOM ALTEN UND NEUEN TESTAMENT |
| BZAW | BEIHEFTE ZUR ZEITSCHRIFT FÜR DIE ALTTESTA- MENTLICHE WISSENSCHAFT |
| <i>EJ</i> | <i>Encyclopaedia Judaica</i> , cf. Bibliography No. [5], below |
| esp. | especially |
| FRLANT | FORSCHUNGEN ZUR RELIGION UND LITERATUR DES ALTEN UND NEUEN TESTAMENTS |
| <i>HTR</i> | <i>Harvard Theological Review</i> |
| HUC | Hebrew Union College |
| <i>HUCA</i> | <i>Hebrew Union College Annual</i> |
| <i>JBL</i> | <i>Journal of Biblical Literature</i> |
| <i>JJS</i> | <i>Journal of Jewish Studies</i> |
| JPS | Jewish Publication Society |
| <i>JQR</i> | <i>Jewish Quarterly Review</i> |
| JTS | Jewish Theological Seminary |
| LIAJS | Philip W. Lown Institute of Advanced Judaic Studies |
| Magnes | The Y. L. (Judah L.) Magnes Press, Hebrew University of Jerusalem |
| <i>MGWJ</i> | <i>Monatsschrift für Geschichte und Wissenschaft des Juden- tums</i> |
| Mohr | |
| (Siebeck) | J.C.B. Mohr (Paul Siebeck) |
| NF, NS | Neue Folge, New Series |
| <i>PAAJR</i> | <i>Proceedings of the American Academy for Jewish Research</i> |
| Pr. | Press |
| Shunami | Shelomo Shunami, <i>Bibliography of Jewish Bibliographies</i> , repr. 2nd ed. (1965), Jerusalem 1969, Magnes, XXIV & XXIII & 997pp. |

| | |
|------|---|
| U. | University |
| WB | Wissenschaftliche Buchgesellschaft |
| WUJS | World Union of Jewish Studies |
| ZAW | <i>Zeitschrift für alttestamentliche Wissenschaft</i> |

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PROLEGOMENON

I

This volume is devoted solely to the illumination of a single aspect of an encounter of historic dimension.

This encounter is the meeting of Athens and Jerusalem, more precisely the Greco-Roman civilization and early Rabbinic Judaism. The aspect is the world of academe, specifically the literature and literary procedure of the Sage (Hakham) and the Sophos or Sapiens who, combining the characteristics of scholar-bureaucrat, philosopher-rhetorician, and religious pedagogue, constitute the central intellectual figure of the age.

The age, again, extends from Pompey and the decline of Judean sovereignty (63 B.C.E.) to the conclusion of the Palestinian Talmud and the centennial of Christian Rome (early fifth century C.E.), and the codification of the Babylonian Talmud as the crowning achievement (early sixth century). In other words, what is treated here is the world of Talmud and Midrash and their connection with the Greco-Roman orbit.

So the essays presented in this volume deal foremost with intellectual and literary concerns, with thought, norm, method, and form, but not with public institutions, social phenomena, material history, and political events. Yet even so, various aspects of ancient intellectual and artistic life would require separate treatment in similar volumes.

Among the areas excluded (and with them the modern disciplines dealing with them) are art, music, and architecture, although, e.g., Vitruvius, the eminent Roman architect, wrote in the rhetorical style of his day and touched upon many academic subjects, and Philostratus Lemnius dealt with art history as well as with literary criticism. By the same token, the talmudic material dealing with the measure-

ments (*middot*) and construction of the Jerusalem Temple betrays considerable mathematical and architectural knowledge.

Its incredible vastness was the reason for the exclusion of an important modern discipline, namely, comparative linguistics and especially lexicography. The tracing of Greek and Latin loanwords in Hebrew and Aramaic, in both Jewish and Christian circles, had gained momentum ever since the Renaissance, and is represented by literally hundreds of ingenious books, essays, and *miscellae*. Perhaps every scholar, in a weak moment, has tried his hand at this. Sooner or later this mass of learning will have to be assembled and systematized, since Krauss's work on Greek and Latin loanwords is now badly in need of revision, and even the much sounder comparative lexicography of Jacob Levy and Morris Jastrow has been followed by a flood of new studies and observations.

Furthermore, comparative studies in law (and Halakhah) could not be accommodated in this volume, although the ancient Sage was vitally concerned and occupied with jurisprudence. Modern scholarship in this area is too extensive, specialized and different in method. However, since law and literature in the ancient world had certain features in common, be it interpretation or hermeneutics, dialectic or rhetoric, some essays dealing with these phenomena have been included.

Archeology, epigraphy, and papyrology are likewise beyond the scope of this collection, constituting as they do formidable scholarly empires of their own. For the same reason the study of religious ritual and custom, with few exceptions, has been omitted. The mention of Jewish phenomena in Greek and Roman literature, and of Greece and Rome in Jewish literature, although indicative of the historical encounter, is likewise not within the scope of this volume, since it belongs to history *qua* history.

The locale of midrashic-talmudic literature, in its pre-medieval phases, is almost exclusively Palestine and Babylonia, the latter still well within the Hellenized orbit. Since details of Rabbipic literature cannot be securely ascertained before the first century C.E., our collection excludes works dealing with earlier Judaica, i.e., apocrypha, pseudepigraphica, the "sects" and Dead Sea literature, and discus-

sions of the Greek influence during the Hasmonean period. Articles dealing with the Pharisees in this volume identify this group with the later Tannaim or consider them their close forerunners.

The extraordinarily complex relationship between Alexandrian Jewry, including Philo, and Palestinian Judaism likewise represents an almost sovereign area of investigation and deserves a collection of pertinent essays of its own. It is, besides, a somewhat different phenomenon: the meeting of two types of Judaism. Most essays, however, whether reproduced here or merely listed in the bibliography, at least mention the problem. A preliminary bibliographical note, as an introduction to the subject, is available in H. A. Wolfson's *Philo*, vol. 1, 2nd edition (Cambridge 1948, Harvard University Press), pp. 91 f.

Josephus research was excluded both because of its massiveness and its emergence as a near-independent area of inquiry, as well as because of the obviously different bi-lingual situation it represents.

The *Sefer Yetsirah* is the latest work to be given a hearing in this volume, since it may still belong to the amoraic period.

For these reasons the inclusion of two other significant areas of scholarship had to be forgone: early Hellenized Christianity with its Greco-Roman patristic sequel, and actual Gnosticism with its various shades, in their relationship to Rabbinic Judaism. The additional complexity here is their Judaic element.

The collection also steers clear of an equally intriguing modern enterprise, quite fashionable some decades ago and even now with us: a synthesizing and total comparison of Hellas and Judea, of Athens and Jerusalem, in their "Gestalt"—configurations, as it were, of two contrastive ideas, two "essences." Although these treatments are frequently most stimulating and often moving, written as they are in an "inspired" if not poetical vein, they must generalize and oversimplify to the degree of distortion. Here, again, everyone in the field has been guilty at one time or another.

Undoubtedly, future scholarship in Judaica and Classica will require a renewed effort at a total perspective of the co-existence of two creative peoples. Undoubtedly, it will be less dramatic, less polemical, less sweeping, and hopefully less subjective than its predeces-

sors. In the meantime it has become increasingly clear that Judea (and previously Judah and Israel) had at all times a considerable secular sector, i.e. material culture, military tradition, and social organization, even native sports, whereas Greece (and Rome) had at all times forms of genuine piety, social critique, even ritual laws and monotheistic strivings. The essays presented here portray some further rapprochments in the Hellenistic-Roman age. Any future evaluation of the two cultures will have to be more informed and more sophisticated to be meaningful.

Nineteenth-century scholarship in Judaica (long after a Renaissance prelude) discovered in quick succession well-known Greek and Roman myth in the Aggadah: the Bed of Procrustes, Pandora's Box, the Phoenix, Ariadne's Thread and the Labyrinth, the Bull of Phalaris, Romulus and Remus, Centaurs, Sirens, *et al.* Essays of this type have not been reproduced or mentioned here. As meritorious as these first discoveries have been, they report the obvious, and these myths did not substantially change the world view or ethic of the Tannaim or Amoraim. Other such discoveries needed greater ingenuity, especially when the Greek model was merely alluded to, or modified, or deeply imbedded in the structure of a Midrash. (All Greek myth remains anonymous in Talmud-Midrash.) Some of these identifications have remained controversial or in need of further clarification, e.g., the use of the Platonic myth of Er, Hercules at the Crossroads, or Promethean and Homeric themes. This latter area of scholarship is touched upon in some of the essays as well as the annotated bibliography.

Articles which try to identify Jews among the writers of antiquity—wholly fanciful attempts to claim Zeno, Menippus, Lucian, Iamblichus, Horace's mother, *et al.*, and the more serious problem of Caecilius' and Ps. Longinus' background—have no bearing on the subject of the impact of Hellenism on early Rabbinism.

Other choices and limitations had to be made for technical and economic reasons. Thus the only feasible format was a one-volume work. The foreign language selections had to be kept to a minimum, but the bibliographical part of the prolegomenon will guide the reader to the literature in foreign languages as well as to a wider

scope of English productions. For a small number of very desirable essays in English the costs of acquiring reprint rights was felt to have exceeded customary levels, and these essays regretfully had to be confined to the bibliographical summary. Some scholars were somewhat self-conscious about their style in articles written in their early years. The number of essays by any one scholar (or their omission) in this volume is thus not necessarily an indication of their evaluation by the present compiler.

II

A chronological arrangement has been chosen for the presentation of the essays in order to shed light on recent developments in this area of scholarly inquiry. This can be gained, of course, through a study of the literature suggested in the bibliographical part of this Prolegomenon, which is likewise arranged in chronological order. Still, it will be useful in clarifying further the aims of this compilation if we at least note the trends; but first a brief glimpse at recent scholarship in Greek and Roman studies.

Here, most of all, an increased interest in and a more positive evaluation of the Hellenistic and Roman eras, in contradistinction to the formative and classical periods, may prove helpful to Judaic and comparative studies. The exploration of the later phases of the schools of Greek philosophy, even in their "syncretistic" and rhetorizing representatives, is helpful, quite apart from the attention given to such influential movements as Neopythagoreanism and Neoplatonism. The Second Sophistic is no longer mere antiquarianism but also the attempt of a culture to come to grips with its past. Roman imperialism, in its excesses as well as in its achievements, and the role of literature pertaining to it, is better understood. Contact with folklore and anthropological methods has thrown light on problems of oral transmission and literary genre. The exploration of Greco-Roman religion has shown a tendency to take more seriously the inquiry into certain areas of life which have been hitherto denigrated—magic, healing, thaumaturgy, astrology, and demonology—in the recognition that they fulfilled specific human needs, had their own logical and imaginative structures, and present to us a wider range of ancient human patterns.

III

A great many of the essays of this volume suggest that in the case of striking parallel phenomena, Greco-Roman elements were adapted to the needs of the Jewish culture. Some scholars, among them the late Moses Hadas, spoke of a two-way traffic, or limited themselves essentially to juxtaposing the parallel materials; or they stressed the point that a general cultural fusion of East and West took place in our era, which made for a supra-national literary climate. Other scholars, who began their research in this area with no preconceived conclusions, ended up with the conviction that the East followed the West in this era of scholar-bureaucrat culture. Some stressed, and occasionally overstressed, the important distinctions that prevailed in the Judaic and Greco-Roman uses of a term, genre, or thought, a trend already established with Juda Bergmann's article (1913). The few dissenting voices who assumed an influence on the part of the talmudic-midrashic materials on the Greco-Roman world for this period are now silent, or confined to the classroom or the question period of the lecture. Although Jewish proselytizing had spread far and wide at the time of the early Roman Empire, and the number of Greek and Roman writers who mention Jews is not negligible, it would be somewhat fanciful if not anachronistic to assume that talmudic material was carried abroad through these contacts, quite apart from the fact that the Greco-Roman philosophical and rhetorical enterprise had been fully developed long before.

To be sure, in the early formative period of Greece, the East—Egypt, Canaan, Mesopotamia, Persia—gave many of their cultural achievements to the young Greek civilization. Alcaeus knew of Jerusalem (and apparently of Isaiah) and Herodotus travelled in the East. The modern literature which attempts to find Eastern patterns in Homer, Hesiod, the early didactic poets, and even Plato, is of considerable significance. The Hellenistic period, however, is no longer the formative phase of Greek culture. The Western technological, military, economic, and political impact, from Alexander to the Diadochi and from Rome to Byzantium, is overwhelming, and even the interlude of Judean political sovereignty had to avail itself of con-

temporary Hellenistic forms of life, thus actually intensifying and accelerating the process of "Westernization."

The well-known sporadic injunctions in the Talmudim against the Greek language and Greek wisdom are, of course, counterbalanced by strong and doubly amazing endorsements. The former may represent brief but sharp reactions after climactic events; but pilgrims, slaves, the Roman administration, transplanted Jewish settlers from Palestinian Greek cities since the days of the Hasmoneans and later travails, and in the wake of the Greek speaking population of the Decapolis, had long before radiated Greek across the Jewish sectors of Palestine. It has even been held that there existed a Palestinian Judeo-Greek dialect at the turn of the eras.

Another form of modern resistance against the results of comparative methods is the assertion that talmudic terms or thoughts which parallel Hellenistic phenomena are already hinted at or clearly represented in biblical literature and therefore autochthonous. Quite apart from the fact that after the tannaitic era we meet in Jewish culture totally novel elements of ethics, literary forms, exegesis, and social institutions, reference to the Bible is not always an admissible method for minimizing or even denying the impact of Greek culture on the talmudic world. A biblical element or situation is often dormant, inoperative, for long periods of time. It might have remained so permanently had not the impact of Greco-Roman culture made it relevant again, frequently with an altered meaning. "Day and night," e.g., is a biblical coinage, but its meaning is largely poetical. In the Greco-Roman age it becomes a near-ethical term under the impression of a philosophical asceticism adopted by the *sophos* ideology. As such it acquires a place in the talmudic ethos, but the original biblical passages did not generate the new phenomenon. There is mention of festive meals and banquets in the Bible (and in ancient Iran), and even the command to celebrate Passover and tell its story, but the talmudic Seder is unthinkable among shepherds and early agriculturists; it presupposes a new setting which is urban and urbane, reflective, playful, and highly structured. It is almost precisely the Greek symposium. The biblical precedent could not have by itself generated the new form. Even some of the great basics of

biblical wording, imagery, and belief which do show continuity, have changed imperceptibly under the influence of the new age.

A more relevant objection to the partial dependency of Judea on Greece and Rome for some cultural phenomena, especially aspects of the Sage civilization, may be raised by the social sciences, namely, that cultures at certain junctures, and regardless of exterior influences, move through the same stages of development, and that the rule of scholar-bureaucracies, e.g., would develop similar characteristics in all cultures. Yet even the intimate contact, nay symbiosis, maintained throughout centuries between the Greco-Roman and the Jewish cultures, even if partly enforced, would upset any "necessary" order of development and precipitate a shortcut to the developmental stage of the (temporarily) stronger civilization.

IV

Much of the resistance against the comparative method is undoubtedly based on emotion. Some believers are more shocked, e.g., by the intimation that the talmudic portrayal of Hillel the Elder uses elements of the popular apophthegmic Socrates-Diogenes biography than by the assertion that Moses may have known the laws of Hammurabi. This reaction is possible because the Talmud is to many the truly unique preserve of the Jewish people, whereas the Bible, as it were, belongs now to the world, recognized, interpreted, and used by several civilizations. Besides, until comparatively late in the modern era, the Talmud had been relatively unmolested by critical and comparative research.

Of course, these objections rest ultimately on problematic premises. The uniqueness of a people is always a fact regardless of "influences," just as the uniqueness of an individual is an indisputable fact. Creativity is always limited, complex, conditioned, difficult to establish; this was true for both the Greeks and the Jews. Influences go back and forth with vital and viable peoples; only a petrified culture would refuse to adopt worthwhile heterogeneous values. Nations lend or borrow at various times, and often do both simultaneously. (Perhaps, in the future, Israel's kibbutz or certain aspects of its adult education, or institutions of Jewish diaspora welfare, may become

widely adopted models. The adopters will not have to be ashamed for doing so and will not lose their identity. Indeed, adoption may show, in its selectiveness and partial reformulation, considerable creative powers. Interestingly enough, some of the spokesmen in this particular comparative enterprise are Israeli scholars.) The believer in a revelatory origin of the Written and the Oral Law, however, must attune himself to the very insight of the Talmud that "the Torah speaks in the idiom of Man."

It is, of course, possible that much of the Greco-Roman sage culture was attractive and acceptable merely as a sort of technical *koinē*, a technology of teaching, learning, interpreting, arguing, and administering. Yet it cannot be denied that there is always a measure of risk that with the acceptance of a technology the ethos of the technologue will be transmitted. On the other hand, we must not forget that the great earlier basics of Judaism were not eclipsed. They were interpreted, commented upon, augmented, and even modified; but far from becoming submerged, they were strengthened. (The question, however, whether the comparatively rapid and complex development of certain Jewish eschatological beliefs [immortality of the soul, the Beyond, *et al.*] is a result of this contact of cultures belongs in the rubric of apocryphal and pseudepigraphic literature, essentially a pre-talmudic development.)

V

The true benefits of the comparative inquiry accrue to those who have a commitment to the texts. The comparative approach cannot but open up the understanding of a host of passages, metaphors, similes, terms, motifs, and thoughts, even entire literary genres, the undertones and implications of which had become obscure and were difficult already to some Tannaim or Amoraim, who occasionally admit to such predicaments. One simply has to resort to Greek in order to understand midrashic jests and allusions in actual Greek transcribed in Hebrew letters. Occasionally, even well-understood passages yield an unexpected dimension. It seems to be obvious what Ben Azzai wants to transmit in his dictum (*Pirke Avot* 4.2)

Run to Duty (*mitsvah*) . . . and

Flee from Transgression (*'averah*) . . .

It is not generally known, however, that the antithetical formula "to run to" and "to flee from" was a contemporary Greco-Roman definition of philosophy as the knowledge of what to flee (*fugenda*) and what to seek (*petenda*), used, among others, by Cicero and Marcus Aurelius (who has the verb "to run" as in *Avot*). The Greek equivalent of this formula was a frequent title of philosophical works. Thus, Ben Azzai's saying acquires the additional message—probably still quite perspicuous to his contemporaries—that to live the life of Torah is also the true philosophy.

It seems that, in the long run, the comparative method will serve best precisely those who most object to it at this time.

VI

A few additional points need clarification.

Some of the essays reprinted here investigate the influence of particular Greek philosophies, such as Sophism, Stoicism, Cynicism, or Neoplatonism. The bibliographical section shows that the question of the presence of Platonic and Epicurean elements in the Midrash has likewise been discussed. Yet much remains to be done. The possible reflection of Neopythagoreanism as well as the Megarian and related schools has not yet been adequately treated. Of Aristotle we have as yet only faint traces.

The essays ask the difficult—according to some, insoluble—question: How did the talmudic sages become acquainted with these philosophies: through dialogue and dispute with teachers or adherents (foreign or native); from hearsay, as part and parcel of the "syncretism" of philosophizing rhetoricians (whether settled or travelling) or from popular tracts; from simple technical handbooks; or even from original works? Was it directly from the Greek or through an Aramaic medium? One must further ask: Do individual Tannaim or Amoraim who seem to use Greco-Roman materials have marked preferences for specific philosophies? What historical phases of Stoicism, or Platonism, do talmudic references represent? Do the Rabbis use rare or statistically frequent Greco-Roman detail? Is the original hostility between philosophy and rhetoric reflected in talmudic sources? Or that between Stoics and Epicureans? Does

Greco-Roman material appear essentially unaltered or not, and if altered, to what degree and in what way? Does the Greco-Roman material show the same distribution over the philosophical schools that is prevalent in Greco-Roman rhetoric? Did particular philosophies more than others lend themselves to the indigenous teachings of Judaism? What literary forms and genres, what rhetorical figures and devices, are employed in the Midrash? What standard subjects of the age (*topoi*) are dealt with? Did Christian Midrash have its origin in Jewish situations, or could some of it be the result of direct application of Greco-Roman rhetoric on biblical materials?

These and many more questions must still be posited and answers attempted, quite apart from the Herculean task of further laying bare the non-indigenous elements in the Midrash and of determining new shades in their meaning and function within the overall structure of talmudic-midrashic thought. In these two latter enterprises, however, comparative scholarship may face two extreme dangers, the Scylla and Charybdis of this type of inquiry: on the one hand there could be the amassing of superficial parallels, a procedure which Samuel Sandmel has aptly called parallelomania (it can be useful as an ancilla to further work); on the other, there could be overanalysis and overfine distinctions as a basis for declaring the compared passages as totally different and independent from one another. With such a procedure one could easily arrive at the claim that Chrysippus never knew Zeno, nor Panaetius—Chrysippus, nor Posidonius—Panaetius; or that Judah ha-Nasi, Meir, Akiba, and Yoḥanan ben Zakkai were all totally ignorant of their predecessors. It seems, however, that scholarship has so far, with some fearfully narrow escapes, avoided the dangers of shipwreck.

VII

History, Present State, and Future Prospect of Comparative Scholarship

The format of the series in which this collection of essays appears, prescribes a survey on the state of research at this juncture. Such a report will undoubtedly entail a small measure of repetition. Some

will, perhaps, dispute the claim that a clear pattern of development is discernible in a field which is actually still quite diffuse. Last but not least, the risk of becoming subjective is high in a summary that will inevitably involve value judgments.

The specific field of inquiry represented in this volume is a comparatively recent one. There is one early forerunner of sorts, J. J. Wettstein's comparative *Novum Testamentum Graecum* (Amsterdam 1752), a "trilogy" of New Testament and Greco-Roman and talmudic parallels and near-parallels. Comparable classical materials were printed in the original languages, whereas Hebrew and Aramaic were translated into Latin, only occasional terms remaining in the original language and script. The principal aim of the author, however, was to illustrate a critical edition of the New Testament. Thus, the juxtaposition of talmudic passages and Greco-Roman sources was only accidental, serving as illumination of New Testament passages and, more often, terms and words. This material was printed without comment, and no claims were made regarding the relationship between the classical and the talmudic texts, which were quite frequently unrelated. Nevertheless, a collection of materials had been brought together for the first time that could serve as a base for comparative studies.

It turned out that this work did not exert any influence. The emergence of the first comparative studies of Jewish scholars in the early decades and the middle of the 19th century conformed rather to the classical studies carried on in Europe and the historical-philological orientation of the *Wissenschaft des Judentums*. The number of Jewish scholars who had been educated since their high school days in classical as well as talmudic disciplines and had come to master both, had grown apace in that period, and Leopold Zunz, Solomon Rapoport, the Brüll (A. and N.) and Bondi (M. and S.) brothers, Jacob Bernays, and Michael Sachs, to name only a few, did significant if not "classical" pioneer work in the exploration of such cultural contacts, mostly, however, in the area of lexical research. This was soon to be extended by the discovery of Greek myth in the Midrash. Little, however, accrued as yet to the comparative studies of ethical and philosophical doctrine, literary form and procedure, law and popular science.

The middle of the century and the following decades produced a number of works which fall into our rubric, but they lacked as yet the benefit of well-defined concepts of Gnosticism, Mysticism, Hereticism, and Alexandrian Hellenism and their Jewish versions. Graetz, Joel, Friedländer and Weinstein produced such works. This type of scholarship was interested in possible Philonic and other Alexandrian echoes in the Talmud, in Logos doctrine, the "Mīm," theosophy, and Platonism. It has its representatives to this very day, using now far more sophisticated analyses of Gnosticism and Mysticism.

The work of Juda Bergmann in the early decades of the 20th century proved to be more consequential. Nevertheless, the strongest impetus to our specific type of scholarship seems to have come in the wake of the novel inquiries of Wilhelm Bousset, and especially Martin Dibelius and Rudolf Bultmann. These and some others, occupied with the exploration of the New Testament and its awesome problems, did not limit themselves to theological and philological interpretation but searched for patterns of ethical norms and of striking literary forms of the New Testament. They discovered in it reflections of the Greco-Roman popular philosophical ethic and of the literary forms and genres of Greco-Roman rhetoric, polemic, and propaganda. It was a significant scholarly trend in that, indeed, much of post-socratic philosophy was ethic-centered and much was formulated for "mass communication." Moreover, increasing refinement of historical studies brought to all branches of scholarship a heightened sense of the reality of the Roman Empire.

No wonder then that our discipline gained by leaps and bounds, in quantity as well as in quality, along with similar developments in archeology and papyrology. Statistics reveal much of this. The (admittedly selective) roster of works mentioned in the bibliography above, reflects ever increasing productivity:

| | |
|------------|-----------|
| 1850-1875: | 3 titles |
| 1875-1900: | 7 titles |
| 1900-1925: | 12 titles |
| 1925-1950: | 41 titles |
| 1950-1975: | 68 titles |

Mere statistics, however, do not reveal the total picture. There is a pronounced shift from the search for isolated parallel detail to more coherent observation and interpretation. The question of Greco-Roman literary genres and philosophical stances, of rhetoric, and of law and custom in the talmudic culture is ventilated. The study of national resistance (and technological conformance), of oral and written media, the world of the Sage under oppressive regimes and other larger significant phenomena has emerged from the isolated observations of earlier decades. Fortunately, an earlier premature exercise at synthesis, a dramatized portrayal of an almost allegorical clash between Judea and Hellas, was now abandoned.

Understandably, there is a shift from German and French as the languages of investigation, to English and Hebrew, at least within the confines of Jewish scholarship. There is a greater readiness to employ the social sciences in solving problems, especially folklore, anthropology, sociology, and economic history.

Yet opposition to the entire claim of Palestinian Jewry's leanings toward, or direct exposure to, Greco-Roman situations has never been entirely stilled. The view of an Alexandrian, especially Philonic, in-between-station is still maintained, not to mention the minimizing of all influences to mere echoes, and even marathon exercises of interpretation designed to demonstrate qualitative differences between the pattern and its application. The occasional inability to visualize historical phases of Judaism and Jewry, *dōr dōr ve-dhōr-shāv*, owing to a hindsight gained from medieval and modern phenomena, hinders the full development of historical (and perhaps essential) insights.

The past and present achievements of comparative scholarship indicate then the necessities of the future. Of course the basic work has to be continued, viz., the collecting of intercultural parallels that promise to conceal true correspondences or interdependencies. In particular, difficult and still opaque passages of Talmud-Midrash should be singled out for special research in the light of possible Greco-Roman affinities.

With the mass of information already accumulated, especially in the works of Daube, Hallewy, Kaminka, and Lieberman, to name

only a few alphabetically, the time may be ripe in the not too distant future for collecting all pertinent materials in an all-embracing *Corpus Hellenisticum Midrashicum*, perhaps not unlike the ancillary work to the New Testament, the *Corpus Hellenisticum Novi Testamenti*, which is advancing steadily, making parallel materials to the New Testament available for further interpretation and exploitation or, if indicated, reclassification and rejection (Epictetus, Plutarch, Seneca). In such a project, Kaminka's and Hallewy's notes on their translations of Greco-Roman classics into modern Hebrew should be incorporated. (Naturally, such a task is overdue in the neighboring field of lexicography.)

Codification of comparative literary materials of this sort from talmudic sources, however, would require a structuring that differs from New Testament corpus, as from the Strack-Billerbeck commentary on the New Testament from talmudic-midrashic sources, and equally from the collection of background materials which Samuel Krauss made for the *Monumenta Talmudica*. It should, instead, proceed by literary genre, thus simultaneously codifying the all-important, equally intercultural patterns of form, beginning with the smallest units (proverbs, coinages, similes, etc.) to the self-contained forms (fable, *chria*, *altercatio*, numerical statement, sorite, *Haus-tafel*, *topos*, miracle tale, parody, etc.) to the large composite genres, such as doxography, biography, numerical catalogue, commentary, community rule, legal code, protrepticus, diatribe, and others. With the aid of computer technology, such a codification could be made more elaborate and useful: it could simultaneously indicate, wherever securely established, the philosophical school or intellectual trend which a literary unit reflects, together with its established author, locale, and approximate date. It could incorporate Apocrypha, Pseudepigrapha, Dead Sea literature, Philo, and Josephus, as well as pertinent early Christian passages. Such a corpus, whether printed or stored electronically, would have to be organized in such a manner that substantial additions, refinements, and corrections could be made at all times.

Such a task, of course, would transcend the strength and expertise of any scholar. Indeed, corporate pooling of resources is indicated

for tasks of this kind. This brings us to another desideratum in this comparative field. Much of the current research is still carried on in an individualistic and haphazard fashion. Duplication and over-exposure occur with some themes, while others lack treatment altogether. Here, an international task force is of the essence. Such tackling of important research areas by collective efforts—be they institutes, academies, teams of scholars, inter-university seminars, and the like—would undoubtedly insure a faster pace and a more rational coverage, and result in great savings of effort and expenditure. Furthermore, inter-university planning of dissertations and joint enterprises in developing doctorates in this field could likewise contribute to a solution of this dilemma of unplanned growth in our discipline.

Meanwhile, detail work as usual has to be carried on. The questions asked in the previous chapter of this Prolegomenon have to be tackled. There are many more, and some are fundamental and synthesizing: What precisely is the time of the greatest approximation between Greco-Roman and related midrashic situations? (Mysteriously enough, it seems to have been close to and after the Hadrianic catastrophe; but this is merely a preliminary observation.) What do the comparative materials represent: Echoes of another culture, conscious rejection of it by adoption into a totally different system, a necessary stage in societal configuration, or a conscious participation in the dialogue of the period? Still more fundamental: Did heterogeneous models in the meeting of East and West create this entire phenomenon of Rabbinic Judaism, i.e., is Palestinian Jewry a form of Hellenism? Or is it, as the more traditional approach will have it, autochthonous, picking and choosing, defending and rejecting according to its own devices? In other words, a synthesis—the contours of the entire phenomenon—must sooner or later emerge more clearly from all detailed study.

For this task, future scholarship will have to employ sophisticated methods, i.e., insights of other branches of the humanities and the social sciences: new linguistic-semantic analyses of texts, Jacob Neusner's midrashic-talmudic corpus of *Formgeschichte*, folkloric narrative, structure and tradition research, anthropological analyses

of religious logic, and studies of social cohesion, e.g., the structure and dynamics of empires, religious movements, conquered nations, minorities and diasporas together with the description of their leadership, as attempted by, e.g., S. N. Eisenstadt. Perhaps we should even consult the sociology of knowledge so that we would hesitate projecting our own preferred images or those of the present into the framework of the past.

All this is, indeed, a tall task. Yet in all fruitful and relevant scholarship, perspectives and horizons must never be lost in the exacting work of the here and now. And the vastness of the effort has never discouraged the *mathmīdh*:

It is neither upon you to complete the task
Nor are you at liberty to neglect it.

(R. Tarfon-Tryphon, *Pirke Avot* 2:16).

A SELECTED
ANNOTATED BIBLIOGRAPHY
MONOGRAPHS, ARTICLES, AND CHAPTERS
ON
GRECO-ROMAN PHILOSOPHICAL AND RHETORICAL
LITERATURE AND TALMUDIC-MIDRASHIC WRITINGS
1850-1975

INTRODUCTION

1. The first section of this bibliography (A) lists a small number of standard works which cover a maximal area of the subject in systematic form. Some are concerned with New Testament scholarship but need the Judaic and Greco-Roman perspectives to do justice to their task.
2. The arrangement of the main part of the bibliography (B) is chronological, in order to transmit an approximate impression of the development of this field of inquiry.
3. In most cases, only a few representative samples of the works of a writer are listed, with hints at his other publications (or bibliography). It was likewise not practical to delve into the host of minor "communications," miscellanea, *addenda*, or exchanges of notes between dissenting scholars. Book reviews are reproduced or mentioned only if deemed of major significance for the subject.
4. The areas not covered in the reprinted essays are likewise left uncovered in this bibliography (their list being repeated here for the benefit of those who would use only the bibliography):

musicology; art history; archeology;
 epigraphy; papyrology;
 lexicography; linguistics;
 science;
 material law;
 mentions of Greece and Rome;
 history; social institutions; sociology;
 mythology, ritual and cult;
 polemics and apologetics;
 Hellenistic Judaism, Philo, Josephus, Gnosticism;
 Apocrypha and Pseudepigrapha; Greco-Roman Patristics.

The remaining area thus covers philosophical and theological thought in their widest sense, and the literary enterprise, i.e., genre, form and style, procedure and method, and the ethos of the literati.

5. (a) All items listed deal either directly and principally with our subject or at least make a contribution to it in a decisive chapter, or constitute important aids.

(b) Works which by their very nature must repeat the findings of others without, however, being involved in the actual research, are omitted, e.g., encyclopedias, histories, histories of literature, and exegetical commentaries. Exceptions to this rule are made if the conditions of 5(a) apply. Thus works of M. Avi-Yonah and S. W. Baron, and the recent English *Encyclopaedia Judaica* (in which our subject was expressly given representative space, including some first entries of their kind) are included.

(c) Works which conclude with the rise of Christianity, the fall of the Second Temple, or even Hadrian, and/or are not essentially committed to the exploration of Rabbinic Judaism, are likewise omitted. This includes, among others, the works of A. Bertholet, G. H. Box, Mori(t)z Friedländer, Eduard Meyer, W.O. E. Oesterley, Robert H. Pfeiffer, D.S. Russell, A. Schlatter, E. Schürer, P. Wendland, S. Zeitlin, *et al.*

(d) *Bona fide* standard works on Rabbinic Judaism which have only an occasional remark or note on the Greco-Roman impact, or relay earlier opinions without dealing with the problem intrinsically, are likewise left unlisted (e.g., works by W. Bacher, A. Buechler,

G.F. Moore, Strack-Billerbeck, S. Zeitlin, L. Zunz, *et al.*).

(e) Studies which deal with Philo's relation to Midrash and vice versa are omitted (Belkin, Frankel, Freudenthal, Heinemann, Siegfried, E.M. Stein, *et al.*).

(f) The early forerunners of research in Greco-Roman sources relating to the Talmud, such as Azariah de(i) Rossi (c. 1511-c.1578), Benjamin Mussafia (1606-1675) and even S.J.L. Rapoport (Rappaport, SHIR, 1790-1867), are not treated, since this volume attempts to concentrate on scholarship from the middle of the nineteenth century on, when this discipline had attained a certain degree of coherence.

(g) Finally, annotated critical text editions which frequently offer valuable insights, have not been quoted, since they do not aim at a coherent treatment of the whole phenomenon. For detailed work in this field, they are, of course, indispensable (Theodor-Albeck, E.E. Hallelwy, S. Lieberman, M. Margulies, *et al.*).

6. In most instances, the annotations try to emphasize the relevance of a work for our subject, but are not always a complete description of all its features and tendencies.

7. References to recent or announced reprints have been added wherever information was available. All listed items have actually been seen unless marked otherwise. Publishers are listed only for more recent works which are still in print.

8. The transcription is that of the Library of Congress, with slight modifications: emphatics are not marked, but doubled consonants are reproduced except after the definite article. Wherever philological detail enters the picture, a more elaborate transcription which is immediately self-evident to the expert is used. Transcribed nouns are rendered in low case type (but not proper names).

9. Starred items (*) are reproduced in this volume.

A. REFERENCE WORKS

- [1] 1752 Wettstein, Jacobus (J.J. Wetstein), *Novum Testamentum Graecum*, 2 vols., Amsterdam 1752, repr. Graz 1962, Akademische Druck- und Verlagsanstalt. On the basis of a critically edited Greek NT he collated references from the Hebrew Bible and Rabbinic and Greco-Roman literature in the form of a running Latin commentary. A huge quarry of undigested material, not always relevant and occasionally verifiable only with great difficulty (especially Midrash), owing to incomplete information on location and edition.
- [2] 1933 Kittel, Gerhard; Friedrich, Gerhard, eds. *Theological Dictionary of the NT*, ed., tr., G.W. Bromiley (from German *Theologisches Wörterbuch zum Neuen Testament*, 1933-, Stuttgart, Kohlhammer) 9 vols. (to 1974), a tenth volume incl. index to follow, Grand Rapids 1964-, Eerdmans. Exhaustive individual treatments of NT keywords and word families listed according to, and in, the Greek alphabet. Treated systematically in every major entry and wherever applicable: Classical Greek Literature; "OT"; Judaism (Apocrypha, Pseudepigrapha, Hellenistic Judaism, Josephus, Dead Sea Literature, Rabbinics); General Hellenism, Philo; Gnosticism; NT; Early Church. Some older essays do not do justice to Rabbinic religion. Leading German NT scholars participate.
- [3] 1950 Klauser, Th., *et al.*, eds. *Reallexikon für Antike und Christentum* [Sachwörterbuch zur Auseinandersetzung des Christentums mit der Antiken Welt], 8 vols., in progress, Stuttgart 1950-, Hiersemann. Fascicles of vol. 9 have reached "Geister" (1974). Main keywords alphabetically in German. Delves strongly into cultural and even material history. Thorough and often superb treatment of Greek and Roman materials, followed by sufficient sketches of "OT," Apocrypha, occasional side glances at Rabbinic Judaism of varying length and value (actually not a part of the original project). Hellenistic Judaism, Philo, and Christian materials (main stress on Patristics) likewise excellent. Some of the entries approximate monographs, e.g., the admirable "Epikur"

(Epicurus), 137 columns (W. Schmid); "Ethik" (Ethics), 150 columns (A. Dihle).

- [4] 1952 Baron, S.W.,

A Social and Religious History of the Jews, 2nd ed., 15 vols. and Index vol. for vols. 1-10; in progress, Philadelphia 1952-, JPS (New York, Columbia U. Press).

This indispensable history of Judaism and the Jews refers frequently to the meeting of Greco-Roman culture and Palestinian Rabbinitism, vol. 1, chs. 7-8; vol. 2, *passim*; vol. 3, ch. 28—all with extensive bibliographical materials.

- [5] 1971 Roth, Cecil, Wigodner, Jeoffrey, eds.

Encyclopaedia Judaica, 16 vols., Jerusalem-New York 1971, Encyclopaedia Judaica [Keter] and Macmillan.

Entries which discuss substantively the interdependence of Greco-Roman and Jewish thought are: "Creation and Cosmogony," subsection "Rabbinic View of Creation" (Louis I. Rabinowitz); "Cynics and Cynicism" (H. A. Fischel); "Epicureanism" (H. A. Fischel); "Hellenism," subsection "Hellenism and the Jews" (L.H. Feldman); "Hellenism," subsection "Spiritual Resistance" (H.A. Fischel); "Sages," esp. 650 ff. (E.E. Urbach); "Stoicism" (H. A. Fischel).

The articles, except that by Urbach, assume far-reaching effects of Greco-Roman thought on its environment.

B. A CHRONOLOGICAL BIBLIOGRAPHY

- [6] 1852 Sachs, Michael,

Beitraege zur Sprach- und Alterthumsforschung, Berlin 1852, VI and 188 pp.

A pioneer work, much of it still valid. Although covering mostly lexical and folklore research, there are also some comparative treatments of literary and philosophical items. Mentions, among others, Pythagoreanism (57 f.) and Hippocratica (49 f.). In some instances the author leaves the question of influences undecided, apparently assuming polygenetic origins.

- [7] 1853-77 Jellinek, Adolph,

Bet ha-Midrash [A Collection of Lesser Midraschim and Miscellaneous Studies of Earlier Jewish Literature]. German, text editions Hebrew, 6 parts in 2 vols., Leipzig 1853-77; 3rd ed.

(repr.) Jerusalem 1967, Wahrmann.

In his introductions and glosses to the texts he edits, Jellinek touches inter alia upon transformations of the Prometheus motif in the Midrash, man as microcosm, and Platonic reminiscences.

- [8] 1875 Freudenthal, J.,

Alexander Polyhistor, HELLENISTISCHE STUDIEN 1 and 2, Breslau 1875.

This pioneer work in Hellenistic Jewish literature, although exploring (according to the subtitle) the "Fragments of Jewish and Samaritan Histories Preserved by Him," has quite a few contributions to our theme, especially in cosmology. Thus Babylonian Talmud *Niddah* 30b is interpreted as Philonic-Platonic *anamnēsis* (p. 72) with reference to Moses Mendelssohn's earlier claim (*Gesammelte Schriften*, II.10). However, the transmitting station for Greco-Roman lore is, to him, Alexandrian Jewry.

- [9] 1878 Lewy, Israel,

"Ueber die Spuren des griechischen und römischen Alterthums im talmudischen Schriftthum," *Verhandlungen der 33. Versammlung deutscher Philologen und Schulmänner in Gera* (1878), Leipzig 1879, 77-88.

As the title of this essay indicates ("On the Traces of Greek and Roman Antiquity in Talmudic Literature"), the author assumes that the Greco-Roman world made a strong impact on Judea. He identifies quite a few of the Greek language quotations in Talmud and Midrash, occasionally with reference to Azariah de(i) Rossi's *Me'or Enayim* (16th century).

- [10] 1880 Joël, Manuel,

Blicke in die Religionsgeschichte (at the Beginning of the Second Christian Century), German, 2 vols., Breslau, Leipzig, 1880/1883.

Of import: speaks of a Palestinian Jewish Gnosis of Platonic-Pythagorean-Neoplatonic provenance, among others for several mystical *Hagigah* passages (I, 114-170). More substantial than the earlier attempt by Mori(t)z Friedländer, *Ben Dosa und seine Zeit* (Prague 1872). On Graetz's work of 1846 cf. [1881] Graetz, below.

- [-] 1881 Graetz, Heinrich, also Hirsch Grätz, Grätz,

MGWJ, 30, 1881, 433 ff., cf. [1962] Wächter. (Not seen).

The many contributions of Heinrich Graetz, the great pioneer of

Jewish historiography, to the question of Greek philosophy in Rabbinic (and Hellenistic) Judaism, in *MGWJ* and elsewhere, are not recorded here. As his early *Gnosticismus und Judenthum* (his dissertation; Krotoschin 1846. [repr. Farnborough [England] 1971, Gregg]) already outlined, he assumed a Jewish Gnosticism of partly Hellenistic origin, wrought by Philo, which infiltrated into the world of Rabbinic Judaism. Cf. also *MGWJ*, *General Register*, 2 parts (to vols. 1-75), Breslau 1938.

- [11] 1883 Wünsche, A.,

"Der Midrasch Kohelet und Cicero's *Cato Major*," *ZAW*, 3, 1883, 126-128.

It is suggested that two parallel similes on the death of the young and the old in *Eccl. Rabba* 5:11 and *Cato Maior*, ch. 19, draw on a common Greek source (unnamed).

- [12] 1893 Lewy, Heinrich,

"Zu dem Traumbuche des Artemidoros," *Rheinisches Museum für Philologie*, NF 48, 1893, 398-419.

The learned author examines ancient dream interpretation, an important branch of ancient custom and literature, and compares talmudic-midrashic instances with Artemidorus' famous work. The result is complex. It can be said to have established "that Artemidorus obtained his material from Jewish circles who are, however, not untouched by Greek influences" (p. 419). In other instances both cultures adopted and colored Chaldean materials for their own purposes. Cf. also A. Kristianpoller, "Traum und Traumdeutung in der talmudischen Literatur," *Monumenta Talmudica* IV (not seen). Cf. [1899] Lewy, below.

- [13] 1897f. Blau, Ludwig,

Das altjüdische Zauberwesen, Budapest 1898 [originally: *Jahresbericht der Landes-Rabbinerschule* in Budapest für das Schuljahr 1897-98], repr. Farnborough (England) 1970, Gregg.

Blau's classic has occasional remarks on Hellenistic parallels to talmudic materials (p. 36, n. 2; p. 142, *et al.*).

- [14] 1899 Lewy, Heinrich,

"Parallelen zu antiken Sprichwörtern und Apophthegmen," *Philologus*, 58 (NF 12), 1899, 76-87.

Juxtapositions of and detailed work on 32 proverbs, Greco-Roman (or Byzantine) and talmudic. No opinion or comment as to the nature of their relationship (if any assumed at all). Saul Lieber-

man has clarified this problem for several of these specimens. Cf. [1942] and [1960] Lieberman, below.

- [15] 1901 Weinstein, Nachman Izaac,
Zur Genesis der Agada [Beitrag zur Entstehungs- und Entwicklungs-Geschichte des Talmudischen Schriftthums], part II, "Die Alexandrinische Agada," Frankfort 1901.

This book does not make a direct contribution to our subject. Most of the theosophic-theological Aggadah reflects Alexandria's Grecized Jewry of whom Philo's modified Platonism is representative. Cf. especially the chapter on the Logos doctrine in the Aggadah, 29-90.

- [-] 1903, 1906 Bousset, W.,
Die Religion des Judentums . . ., 1st, 2nd edd., cf. [1926] Bousset, below.

- [16] 1905 Horovitz, Josef,
Spuren griechischer Mimen im Orient, Berlin 1905, ch. 6: "Der Mimus in jüdischen Quellen," 89-97.

Mainly a discussion of the use of the Greek loanword *mimos* (*momos*), and a survey of the traces of purpose, plot, and properties of the Greek mime in the Mideast.

- [-] 1908 Bergmann, Juda,
Jüdische Apologetik, cf. [1912] Bergmann, below.

- * [17] 1912 Bergmann (Juda),
"Die stoische Philosophie und die jüdische Frömmigkeit," in *Judaica* [Festschrift Hermann Cohen, at 70], Berlin 1912, Bruno Cassirer, 145-166.

This famous and influential essay (reproduced in this volume) addresses itself wholly and succinctly to the actual problem: the relationship of Stoic philosophy to Jewish piety. Bergmann, continuing Bousset's claim, admits that the Jewish Sages were acquainted with the Stoa and used and modified Stoic phenomena, such as literary form, style, imagery, and coinage as well as elements of the Stoic doctrines of soul, providence, ataraxy, suffering, humility, dignity of work, self-restraint, the ideal Sage, and the like. Contrasts in atmosphere—occasionally even of doctrines shared—are forcefully put forth.

This article is foreshadowed by a substantial footnote in Bergmann's *Jüdische Apologetik im neutestamentlichen Zeitalter*, Berlin 1908, pp.2 f. Palestinian Judaism remains *sui generis* in spite

of some isolated influxes of foreign ideas (p. 161). Bergmann also represented this tendency in all his later works, cf. [1936 f.] Bergmann, below, and *Ha-folklor ha-yehudi*, Jerusalem 1953, Rubin Mass.

Bergmann's works deserve collection and re-edition. A bibliography of his publications would also be useful.

- [18] 1913 Blau, Ludwig,
Papyri und Talmud in gegenseitiger Beleuchtung [SCHRIFTEN . . . DER GESELLSCHAFT ZUR FÖRDERUNG DER WISSENSCHAFT DES JUDENTUMS] Leipzig 1913, 27pp.

This slim but influential pamphlet pioneered in papyrology, in this instance applied to a variety of talmudic phenomena as a programmatic survey.

- [19] 1914 Krauss, Samuel,
Monumenta Talmudica, ed. Karl Albrecht *et al.*, vol. 5, *Geschichte*, part 1, "Griechen und Römer," Vienna, Leipzig 1914 [MONUMENTA HEBRAICA], repr. Darmstadt 1972, WB, Registers and index.

A rich anthology of (vocalized) texts, translations (German), and learned annotations of talmudic-midrashic passages which mention or portray Greco-Roman culture. Although only rarely claiming Hellenistic origin of Jewish thought (dealing mostly with lexicography, custom and some realia), the collection transmits a vivid impression of the massiveness of the cultural onslaught.

- [20] 1916 Montefiore, Claude G.,
Ancient Jewish and Greek Encouragement and Consolation, Bridgeport, Conn. 1971 (an enlarged address of 1916 and reprint of a private edition). Preface by S.D. Temkin, Hartmore House. In this fine essay Montefiore demonstrates how the "great moral teachers of Europe," the ancient Hebrews and Greeks, consoled in the face of "adversity and sorrow." The portrayals follow one other, to be compared and evaluated only at the end as to their philosophical basis, consistency, humanity, and religiosity, but without any intimation as to their interdependence. Yet the very conception of this work and the collection of comparable materials are a part of the unfolding of the discipline with which we are dealing here.

- [-] 1919 Dibelius, Martin,

Die Formgeschichte des Evangeliums, 1st ed., cf. [1933] Dibelius, below.

- [–] 1921 Bultmann, Rudolf,

Die Geschichte der synoptischen Tradition, 1st ed. cf. [1961] Bultmann, below.

- [21] 1925 Aptowitzer, V.,

“Die Seele als Vogel,” *MGWJ*, 69, 1925, 150-168.

A collection and interpretation of the sources, both Hebrew and Greek, which speak of the soul as a bird. Parallels between Plato’s *Phaedrus*, the Aggadah, and the mystical Midrash, including the Zohar, are pointed out with no clear decision as to their interrelation, if any. However, in an interchange of communications between Aptowitzer and the editor of the *MGWJ*, Isaak Heinemann (published at the end of the essay), the former asserts that a direct use of the *Phaedrus* is possible but not proven. Heinemann denies the existence of any such technical interest on the parts of the Rabbis and speaks of indirect channels, possibly Gnostic (Basilides).

- [22] 1926 Baeck, Leo,

“Zum Sepher Jezira,” *MGWJ*, 70, 1926, 371-376.

This is Leo Baeck’s first attempt to show that the *Sefer Yetsirah* is dependent in thought and terminology on the Neoplatonic philosopher Proclus (410?-485), against Graetz’s theory of its Gnostic derivation. Baeck’s effort was contested by a number of scholars, among them Vajda and Scholem. In 1965, however, the classical philosopher Philip Merlan came out in support of Baeck’s thesis and also discussed again (after an earlier attempt, unknown to Merlan, by Krauss, *JQR*, 7, 1895) the possibility of an (ex-?) Jewish circle of Neoplatonists in Athens: “Zur Zahlenlehre im Platonismus (Neuplatonismus) und im *Sefer Yezira*,” *Journal of the History of Philosophy*, 3, 1965, 167-181.

For another essay on the same subject cf. [1934] Baeck, below.

- [23] 1926 Bousset, Wilhelm,

Die Religion des Judentums im späthellenistischen Zeitalter, 3rd, rev. ed., ed. Hugo Gressmann, [HANDBUCH ZUM NEUEN TESTAMENT 21] Tübingen 1926, Mohr (Siebeck).

This book was effective and influential from its first edition on (this and the second edition of 1906 had the title . . . *im neutestamentlichen Zeitalter*), mainly because of its treatment of the pre-

talmudic phase of "the religion of Judaism in the late Hellenistic age." The treatment of the early Rabbinic period was severely criticized, especially by Felix Perles in *Bousset's Religion des Judentums im neutestamentlichen Zeitalter kritisch untersucht*, Berlin 1903, later Leipzig (not seen); cf. the excerpt in Perles' *Gesammelte Schriften*, 2nd ed., Leipzig 1920, 100-110 (contains also Perles' bibliography). George Foot Moore's *Judaism* . . . 3 vols. (Cambridge 1927), is a determined revision of this type of fragmentary and subjective evaluation of Rabbinic Judaism. Hugo Gressman's revision of these early editions did not entirely eliminate the sketchiness and unappreciativeness of the earlier work. Yet some of Bousset's observations are keen and incisive. To him, Greco-Roman religion (which includes philosophy) affected and reconstituted the religion of the educated in the entire Middle East. Plato and Platonism, the Middle and Late Stoa, Neopythagoreanism, and some elements of Orphism were instrumental in this development; allegory, dualism of psyche and physis, spiritualization ["Vergeistigung" really remains untranslatable], eschatology, ethics, interpretation, and the realm of the individual are the areas affected. This judgment, however, is frequently arrived at by apodictic statement.

- * [24] 1926 Kaminka, Armand (Aharon, Aaron),
 "Les rapports entre le rabbinisme et la philosophie stoïcienne,"
Revue des Études Juives, 82, 1926 [Mélanges Lévi], 233-252.
 A listing of talmudic and Hellenistic parallels stimulated by Bergmann's essay of 1912. Kaminka suggested several explanations for such parallels, but ruled out Greco-Roman influence on the Rabbis. In later years, especially after his annotated translations of Seneca and Marcus Aurelius into Hebrew, Kaminka admitted that some Hebrew material might be affected by Greco-Roman situations. Cf., however, [1950 f.] Kaminka, below. The Semitic (or Mideastern) origin of quite a few Stoics (claimed also for Zeno, the founder) is, as with so many other scholars (including Max Pohlenz), the explanation for similarities between Stoic and Eastern elements. Reproduced below.
 For Kaminka's bibliography, cf. Shunami No. 3773.

- [25] 1926 Kittel, Gerhard,
Die Probleme des palästinischen Spätjudentums und das Urchristentum, Stuttgart 1926, Kohlhammer, BWANT III.1.

In the only relevant section (pp. 85 ff.), Kittel claims that for the pre-Christian period *hokhmah* could never have become central without *sophia*, but doubts that tannaitic *ruah* is affected by Greek *pneuma* (against H. Leisegang, *Der heilige Geist*, 1919) and agrees with Eduard Meyer (*Ursprung und Anfänge des Christentums*, 1921 ff.) that the Jewish Sage does not aspire to autonomous thought but to the knowledge of God on the grounds of normative revelation. Similarly, *Die Religionsgeschichte und das Urchristentum* (Gütersloh 1931, Bertelsmann, 160pp.). With Kittel, highly positive and incisive insights into Judaism alternate with overcritical ones. In the end, he actively and prominently cooperated with the notorious Nazi Forschungsinstitut zur Judenfrage.

[26] 1927 Heinemann, Isaak (Yitsḥak),

"Die Lehre vom ungeschriebenen Gesetz im jüdischen Schrifttum," *HUCA*, 4, 1927, 149-171.

Heinemann cautiously suggests the possibility that early Rabbinic literature may show traces of the Greek idea of an "unwritten law," i.e., an unformulated law, not identical with the concept of Oral Torah but closer to "Law of Nature," or human conscience. Heinemann holds (p. 165) that Rabbinic Judaism is very strongly influenced by the concepts of popular rhetoricians who proclaimed the Stoic doctrine in a facile form on the markets and pathways of the Orient.

More by this distinguished expert in Classica and Judaica below, [1941] and [1949 f.]. For his bibliography, 1897-1936, cf. Shunami No. 3668.

* [27] 1929 Hadas, Moses,

"Rabbinic Parallels to *Scriptores Historiae Augustae*," *Classical Philology*, 24, 1929, 258-262.

In 1929 Hadas published three closely related articles: (1) the article reproduced here; (2) "Roman Allusions in Rabbinic Literature," *Philological Quarterly*, 8, 1929, 369-387; and (3) "Oriental Elements in Petronius," *American Journal of Philology*, 50, 1929, 378-385.

The first article lists parallels between Roman historians in their description of purported events in the Empire and midrashic parables taken from Roman imperial life. According to Hadas, both may have been independent reports reflecting actual pheno-

mena. [The difficult critical question as to the nature and veracity of the *Scriptores*, merely stated by Hadas, shifts the problem and suggests somehow related literary imaginations or habits in both camps (H.A.F.).] Hadas wishes to use these parallels for historical corroboration. The article on Petronius lists a variety of words, proverbs, and literary allusions, the Near Eastern origin of which is suggested (some have been identified as Western by Saul Lieberman). Howard Jacobson adds further detail to Hadas's Petronius article in *Classical Philology*, 66, 1971, "A Note on Petronius *Sat.* 31.2," 183-186. Reproduced below.

* [28] 1929 Marmorstein, Art(h)ur,

"The Background of the Haggadah", *HUCA*, 6, 1929, 141-204. Ch. 6, "Diatrobe and Haggada," (*sic*), is reproduced in this volume, below. Marmorstein applied here for the first time comparative literary form criticism, demonstrating midrashic traces of the Cynico-Stoic diatribe and its subforms: altercations of various kinds (*Streitgespräche*), dramatization, rhetorical personification, rhetorical objection, and sudden address to the reader (or audience). The essay is inspired by Bultmann's first work and by Eduard Norden's great classic on style and form of ancient prose, *Die antike Kunstprosa* (2 vols., Leipzig 1895), and was reprinted in *Studies in Jewish Theology* [The Arthur Marmorstein Memorial Volume], ed. J. Rabinowitz *et al.*, London 1950, Oxford U. Pr., 1-71. This memorial volume also contains a bibliography of his writings, XXVII-XLVI.

[29] 1931 Weinreich, Otto

Fabel, Aretalogie, Novelle [Beiträge zu Phädrus, Petron, Martial und Apuleius], Heidelberg 1931, Carl Winters, a monograph of SITZUNGSBERICHTE DER HEIDELBERGER AKADEMIE DER WISSENSCHAFTEN, Philosophisch-historische Klasse 7, 1930/31.

Among comparative fable and novella materials the "(Faithless) Widow of Ephesus" is discussed (ch. 3 and Appendix D). The Jewish versions are assigned to Western types of the tale (against [1929] Hadas, *American Journal of Philology*).

[30] 1931f. Stein, Edmund (Menahem),

"Die homiletische Peroratio im Midrasch," *HUCA*, 8-9, 1931-1932, 353-371.

An early work of the important scholar who perished in the Holo-

caust. One of the first attempts to isolate Greco-Roman rhetorical devices in the Midrash, especially those of the diatribe, cf. [1929] Marmorstein, R. Bultmann, *Der Stil der paulinischen Predigt und die kynisch-stoische Diatribe* (Göttingen, 1910), and Paul Wendland, "Philo und die kynisch-stoische Diatribe," in P. Wendland and O. Kern, *Beiträge zur Geschichte der griechischen Philosophie und Religion*, Berlin 1895, 1-75.

More of Stein, below.

- [31] 1932 Pfaff, E.,

"Rufus aus Samaria, Hippokrateskommentator und Quelle Galens," *Hermes*, 67, 1932, 356-359.

The existence of a Palestinian Jewish physician (later in Rome) who assembled a complete library of Hippocratica and compiled from it a bulky commentary on Hippocrates (without complete mastery of Greek), used by Galen, is an interesting sidelight to our subject. Cf. also R. Walzer, *Galen on Jews and Christians*, London 1949, Oxford U. Pr.

- [32] 1933 Dibelius, Martin,

Die Formgeschichte des Evangeliums, 4th ed. (3rd ed., 1958), supplement by G. Iber, ed. G. Bornkamm, Tübingen 1961, Mohr (Siebeck).

Effective since its first edition when still a programmatic sketch (1919); revised 2nd edition: 1933. In many respects paralleling Bultmann, above, 1921. The term "analogy" is preferred to "derivation" in regard to the problem of parallels, yet it is finally admitted (p. 160) that the ubiquity, e.g., of the Greco-Roman *chria* (Latin; Greek: *chreia*, a brief, incisive didactic anecdote, usually about sages) forced Christian writers gradually to recast their materials in this form. The book discusses also midrashic versions of this genre.

- [33] 1933 Guttman, Julius,

Die Philosophie des Judentums, Munich 1933, Ernst Reinhardt. An English translation [from the Hebrew edition] by David W. Silverman, 1964, Philadelphia, JPS; New York, Holt, Reinhart and Winston (Preface by R.J.Z. Werblowsky).

In this well-known work, Guttman recognizes the presence of Stoic and Platonic elements in talmudic literature but asserts that apologetic necessities required the knowledge (and polemical use) of extra-Jewish ideas. Since the attacks originated on a popular

level the defense is likewise confined to popular Greek wisdom, but technical, scholarly Greek philosophy is not represented in the Talmud (pp. 50 f.; cf., however, p. 46 on *agraphos nomos*).

- [34] 1933 Lewy, Hans (Levy, Yoḥanan),
 "Ein Rechtsstreit um den Boden Palästinas im Altertum," *MGWJ*, 77, 1933, 84-99, 172-180.

An exemplary article which suggests, especially in part 2, that the argumentation and description of the legal situation in regard to disputed conquests in Greco-Roman, Hasmonean, and talmudic sources are related and of Hellenistic origin: Homer, Aeneas legend, and Bible respectively are used to legitimize later conquests. Republished in Hebrew in a collection of his essays '*Olamot nifgashim*' ("Worlds Meet"; English title: *Studies in Jewish Hellenism*), Jerusalem 1960, Bialik Institute, 60-78. On Lewy's published works cf. Shunami No. 3871.

- * [35] 1934 Baeck, Leo
 "Die zehn Sefhirot im *Sepher Jezira*," *MGWJ*, 87, 1934, 448-455.
 This article (reproduced in our volume) is another contribution to the thesis that the *Sefer Yetsirah* uses important elements of the system of Proclus, cf. [1926] Baeck, above.
 On Baeck's total publications (which include more statements on our subject) cf. also [1947] Baeck, below and Shunami No. 3214.

- [36] 1934 Klein, Samuel,
 "Aus den Lehrhäusern Erez Israels im 2.-3. Jahrhundert," *MGWJ*, 78, 1934, 164-171.

In part 3 of this study Klein asserts that the procedure to appoint "preacher"—teachers in small Palestinian communities in amoraic times—is "somehow connected" with an identical Roman procedure.

- [37] 1936f. Bergmann, Juda (Yehudah),
 "The Sages of Erets Yisra'el and the Culture of Greece and Rome" (Heb.), in *Sefer Klausner*, ed. N.H. Torczyner (Tur-Sinai) *et al.*, Tel-Aviv 1936/37, 146-153.

Bergmann denies any great influences of Greco-Roman thought in Judea, only "crumbs from the table of Greek philosophy." He continues to list a few (but important) items apparently derived from Greek thought, mainly Stoic. The Rabbis did not read Greek works but were informed by the wandering Cynico-Stoic

philosophers [a cliché which research will increasingly question, H.A.F.]. Startling parallel evaluations of the Roman Empire in its pros and cons found in Greco-Roman as well as talmudic sources developed, according to Bergmann, independently from one another.

- [38] 1937 Meyer, Rudolf,
Hellenistisches in der rabbinischen Anthropologie [Rabbinische Vorstellungen vom Werden des Menschen], Stuttgart 1937, BWANT 74, Kohlhammer.

A fine comparative treatment of Rabbinic ideas of birth, growth, the soul, and related phenomena. The use of Platonic and some Aristotelian elements is claimed. Hellenistic thought was applied by the Rabbis selectively. It intensified, yet at the same time, limited anthropological dualism.

- [39] 1937 Morris, Nathan,
The Jewish School [An Introduction to the History of Jewish Education], London 1937, Eyre and Spottiswoode.

A pleasant and balanced work. The comparative method is used throughout. Both, contrasts to and dependencies on, Greco-Roman education are claimed for Rabbinic educational phenomena.

On education cf. also K.H. Rengstorf, s.v. "*didaskō ktl.*," in Kittel's *Theological Dictionary* . . .

- [40] 1937 Rappaport, Salomo,
"Antikes zur Bibel und Agada," *Festschrift Armand Kaminka* (at 70), Vienna 1937, SCHRIFTEN DES WIENER MAIMONIDES-INSTITUTS, 72-101.

A good summary of previous scholarship. Among new observations are "piety of animals," "miraculous signs," and "Mother Earth." Rappaport surveyed the field in similar fashion in a paper entitled "Hellenistic Concepts in the Midrash (Heb.)," *Proceedings of the First World Congress of Jewish Studies 1947*, vol. 1, Jerusalem 1952, Magnes, 249-254, which is partly dependent on Baeck [1947] yet offers more "Platonic" material and a good example of late Stoic "pessimism" in the Midrash.

- [41] 1937f. Knox, W. L.,
"Pharisaism and Hellenism," in *Judaism and Christianity*, 3 vols., eds. W.O.E. Oesterley, H. Loewe, E.I.J. Rosenthal, London 1937-38, repr. New York 1969, KTAV; vol. 2, 59-111.

A somewhat rambling treatment by the learned author: selected

known parallel instances with a few new shadings. The first mention of handbooks as a possible source of Rabbinic knowledge, p. 74 (without substantiation).

- [42] 1938 Braun, Martin,
History and Romance in Graeco-Oriental Literature, Oxford 1938, Blackwell.

A stimulating attempt to trace the impact of Hellenistic culture and history on the traditional national hero romances of the Near East, especially on the Testament of Joseph and Josephus' writings. Some aggadic passages also are affected. All such works Judaize alien elements (p. 93).

This book is a sequence of the author's *Griechischer Roman und hellenistische Geschichtsschreibung*, Frankfurt 1934, FRANKFURTER STUDIEN ZUR RELIGION UND KULTUR DER ANTIKE 6.

- [-] 1938 Finkelstein, Louis,
The Pharisees, cf. [1962] Finkelstein.

- [43] 1938 Montefiore, Claude G. and Loewe, Herbert,
A Rabbinic Anthology, London 1938, Macmillan, (paperback) New York 1974, Schocken, prolegomenon by Raphael Loewe.

This useful anthology has a number of excursus, appendices, and extended notes on various subjects. Note 6, p. 651 (by Herbert Loewe), e.g., offers briefly some imaginative suggestions as to Stoic and Heraclitan elements in Rabbinic cosmogony.

- [44] 1938 Stein, Menahem (Edmund), cf. [1931f.].
Dat va-da'at ["Faith and Knowledge." New (Contributions) to Scholarship], Heb., Cracow 1938.

Collected essays. Relevant material *passim*, e.g., the Epicurean term *automatos* in the tannaitic period (pp. 45 f.) in a brief article on Epicureanism in talmudic literature (44-48) or the Pythagorean-Platonic *sōma-sēma* as *ķerev-ķever*, "the body—a tomb." Cf. [1970] Stein, below, and for his bibliography Shunami No. 4345.

- * [45] 1939 Kaminka, Armand (Aharon),
"Hillel's Life and Work," *JQR*, NS 30, 1939, 107-122.

The stories around Hillel the Elder are seen as legends patterned after (those on) Socrates or Stoic Sages, and his sayings resemble those of Greek philosophers. Though more programmatic than thorough and, in the light of later research, often imprecise, the

study is still valuable. Reproduced below.

- [46] 1941 Heinemann, Isaak,

‘Die Kontroverse über das Wunder im Judentum der hellenistischen Zeit,’ *Jubilee Volume in Honour of Prof. Bernhard Heller* (at 70), ed. Alexander (Sándor) Scheiber, Budapest 1941, 170-191.

Although the author declares that he would not deal with the miracle in the Greco-Roman world, a number of hints and notes make this valuable essay relevant to our subject. In both, Rabbinic Judaism and Greco-Roman culture, love of the miracle alternates with rationalization and its rejection. Hellenistic(-Alexandrian) Judaism practically eliminated it in its attempt to fuse an idealized (non-empirical) Hellas to an idealized Jerusalem.

- [47] 1941 Wallach, Luitpold,

“The Colloquy of Marcus Aurelius with the Patriarch Judah I,” *MGWJ*, 31, 1941, 259-286.

This essay opens up a new path in comparative scholarship in that it carefully analyzes literary forms and terms, compares the original parallel texts in juxtaposition, searches after the original sources, writes the tentative history of their transmission, and discusses the historical function of such a fictitious colloquy. The talmudic interchanges of “Rabbi” (i.e., Judah I) with “Antoninus” are the work of an anonymous Stoicizing Jew whose ultimate sources are Posidonius (also used by Seneca) and Marcus Aurelius (once suspected by S.J.L. Rapoport, *Kerem Hemed*, 4, Prague 1839, p. 229, quoted by Wallach, p. 282, n.17). His genres are *aporiai* and the literary atmosphere of *quaestiones*, as with Plutarch.

- [48] 1942 Lieberman, Saul,

Greek in Jewish Palestine [Studies in the Life and Manners of Jewish Palestine in the II-IV Centuries C.E.], New York 1942, JTS.

This now famous classic covers in detail and depth Rabbinic uses of Greek, but also of oaths, vows, proverbs, phrases, *et al.*, as well as folklore, ethics, literary habits, and philosophumena. Gedalyahu Alon’s review, *Kirjath Sepher*, 20, 1943/44, 76-95 (Heb.), critical of Lieberman, has become increasingly obsolete through new materials and perspectives in scholarship which support Lieberman’s thesis. A very enthusiastic review of this work and of [1944f.] Lieberman by Hans Yohanan Lewy is found in

'*Olamot niḡgashim*, cf. [1933] Lewy, above, 209-213. More below.

[49] 1944 Daube, David,

"The Civil Law of the Mishnah: the Arrangement of the Three Gates," *Tulane Law Review*, 18, 1944, 351-407.

A comparative analysis of mishnaic private law (the "Three Gates"), tracing its codification to (Bible and) Roman legal and literary procedures as well as some Grecizing principles.

For a bibliography of this prolific writer, whose entire output is relevant to our subject, cf. *JJS*, 25, 1974, special issue [Studies in Jewish Legal History in Honour of David Daube (at 65)], ed. Bernard S. Jackson, 7-15, covering the years 1932-1973.

[50] 1944f. Lieberman, Saul,

"Roman Legal Institutions in Early Rabbinics and in the *Acta Martyrum*," *JQR*, 35, 1944/45, 1-57.

In some respects a continuation of *Greek in Jewish Palestine*, yet with a strong stress on talmudic passages (martyrologies) and terms which reflect legal and political realia in the Roman Empire.

* [51] 1945 Sonne, Isaiah,

"The Schools of Shammai and Hillel Seen from Within," *Louis Ginzberg Jubilee Volume* (at 70), English Section, New York 1945, *AAJR*, 275-291.

Halakhah of Hillel and Shammai is carefully analyzed as to structural principles. An affinity to Sophist "relativism" is claimed for the former. Reproduced below.

* [52] 1946 Wallach, Luitpold,

"A Palestinian Polemic Against Idolatry [A Study in Rabbinic Literary Forms]," *HUCA*, 19, 1946, 389-404.

Reproduced in this volume. An exemplary form-critical and form-historical study of a passage which has a Platonic ingredient. Cf. also "The Textual History of an Aramaic Proverb," *JBL*, 60, 1941, 403-415, by the same author.

[53] Baeck, Leo,

"Greek and Jewish Preaching," in his *The Pharisees and Other Essays*, New York 1947, Schocken, 109-122.

The masterful teacher is the one who can simplify, but in doing so does not falsify: an exemplary popular presentation, not without new material, which portrays a spread of Greek philosophy into Rabbinic Judaism as well as the limits set to it by the latter, often by means of the former.

- [54] 1949 Bickerman, Elias (J.),
From Ezra to the Last of the Maccabees [Foundations of Post-Biblical Judaism], New York 1962, Schocken.
 The first of the two essays of this study, a reprint from *The Jews: Their History, Culture and Religion*, ed. L. Finkelstein, New York, Harper and Brothers (later, Schocken), was published first in 1949. It is a masterly reconstruction of post-exilic Judaism, mentioned here because of its thesis that the Scribes, as forerunners of the Pharisees, were a product of the impact of Hellenism on the Jewish culture. More below.
- [55] 1949 Daube, David,
 "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *HUCA*, 22, 1949, 239-264.
 Hillel's hermeneutics, in term and function, betray their origin in Greco-Roman rhetoric and jurisprudence.
- [56] 1949f. Heinemann, Isaak,
Darkhe ha-aggadah (Heb.), 3rd ed., Jerusalem 1970, Magnes, 1st ed. 1949/50.
 This standard work does not deal with direct Greco-Roman influences upon the Midrash but there is some mention of the scholarly literature on the subject. Indirect influences, however, exerted by Hellenistic Judaism, loom large in this entirely novel treatment.
- [-] 1950 Lieberman, Saul,
Hellenism in Jewish Palestine, 1st ed. Cf. [1962] Lieberman, below.
- [57] 1950 Schwabe, Mosheh,
 "On Jewish and Greco-Roman Schools in the Period of the Mishnah and the Talmud," (Heb.), *Tarbiz*, 21, 1950, 112-123.
 This authoritative epigraphic article on an epitaph of a Jewish schoolman of Athens investigates the titles, functions, and organization of the Greek school, with some sidelights on similar phenomena in the Jewish school, pp. 122 f.
- [58] 1950f. Kaminka, Aharon (Armand),
Mehkarim (Heb.), vol. 2 [Studies in the Talmud], Tel-Aviv 1950/51, D(e)vir.
 Among these studies on leading tannaitic and amoraic authorities, one finds the essay entitled "Judah and Greece (*Yehudah ve-Yavan*) in the Ways of Rhetoric and Ethic," 42-69. Here Kaminka

marshals an impressive array of striking Stoic and some Epicurean parallels to midrashic passages, but without a thorough form analysis or distinctions in detail. He closes with a Maimonidean quotation to the effect that only to the ignorant are philosophical opinions alien to Jewish notions (*Moreh Nevukhim*, II.11).

- [59] 1951 Bickerman, Elias, J.,
 "The Maxim of Antigonus of Socho," *HTR*, 44, 1951, 153-165.
 Bickerman illustrates the precise meaning of *Pirke Avot* 1.3 from the milieu of the ancient slave economy and prevailing contemporary moods. The saying signifies complete submission to and dependence on the slave-owner, whether he maintains his slave or not; yet in relying on his nature, there is hope for the slave. Apart from Job, such thoughts are also represented in Luke 17: 10 and Epictetus, III.26, 29.

- * [60] 1952 Bickerman, Élie (Bickerman, Elias J.),
 "La chaîne de la tradition pharisienne," *Revue Biblique*, 59, 1952, 44-54.

This is the influential essay on Hellenistic school traditions, i.e., the establishment of chains of teachers as authoritative descendants of one another, a Hellenistic literary procedure for professionals and philosophers adopted by the tannaitic sages. Reproduced below.

- * [61] 1953 Cohen, Boaz,
 "Letter and Spirit in Jewish and Roman Law," in *Mordecai M. Kaplan Jubilee Volume* (at 70), English Section, New York 1953, JTS, 109-135.

The disjunction "letter and spirit" played an important part in Greek and Roman law. It is also present in Paul and the Rabbis. With the latter it is not among the hermeneutical rules, but is extant in many other forms. Cohen understands law by comparing it, but does not make pronouncement on dependencies. The essay is reprinted in the two volumes of his collected works on *Jewish and Roman Law* [A Comparative Study], New York 1966, JTS, 31-57. On Cohen's work in its entirety cf. Edward M. Gershfield, "Questio quid iuris?—Some Thoughts on Jewish Law," *HTR*, 61, 1968, 60-67, (64ff.). Cohen's article is reproduced here as a representative instance of the contrastive-comparative school.

- * [62] 1953 Daube, David,
 "Alexandrian Methods of Interpretation and the Rabbis," in

Festschrift Hans Lewald (40 years Professor), Basel 1953, Helbing and Lichtenhahn, 27-44.

In this rich and clear article the author suggests that the Hebrew exegetical term (and device) of *seres* derives from the *anastrophē* of the Alexandrian (non-Jewish) grammarians, i.e., re-arrangement of the words in a difficult text. The midrashic method of connecting problematic words both with the preceding and the following is, possibly, likewise encouraged by similar Hellenistic methods. Reproduced below.

- [63] 1953 Ehrhardt, Arnold,
 "Greek Proverbs in the Gospel," in A. Ehrhardt, *The Framework of the NT Stories*, Cambridge 1964, Harvard U. Pr., 44-63 (originally *HTR*, 46, 1953).

In tracing proverbs of "OT" Apocrypha and the New Testament to Hellenistic coinages, occasional Rabbinic material is quoted. The attempt may have been stimulated by Lieberman's first book (quoted p. 62, n. 2) or Wettstein (*passim*). Ehrhardt is a disciple of Karl Ludwig Schmidt, beside Dibelius and Bultmann one of the principal pioneers of *Formgeschichte*.

- [64] 1955 Baer, Yitshak F. (I.F.),
Yisra'el ba-'ammim. Engl. title: *Israel Among the Nations* [An Essay on the History of the Period of the Second Temple and the Mishna and on the Foundations of the Halacha and Jewish Religion (*sic*)], Heb., Jerusalem 1955, Bialik Institute, 2nd printing 1968f.

A broad canvass of theoretical and methodological thought (with samples of proof materials) for the dependence of Rabbinic literature on the prevailing tendencies of Greco-Roman philosophy, rhetoric, popular ethic, jurisprudence, and religion. Emphasis on Orphic-Pythagorean, Platonic, dualistic-ascetic, mystery, and mystical aspects of Hellenism. Cf. critique by E.E. Urbach, "Ascesis and Suffering in Talmudic and Midrashic Sources (Heb.)," in *Yitzhak F. Baer Jubilee Volume* (at 70), ed. S.W. Baron *et al.*, Jerusalem 1960, Historical Society of Israel, 48-68. Urbach would limit dualistic asceticism to rare occasions of national-religious catastrophes. A monistic fear of sin is the actual basis of talmudic asceticism.

As seen by the present bibliographer, the general Greco-Roman post-Socratic model of the Sage contains a strong non-dualistic

strain of asceticism evoked by the longing for the simple life, as self-discipline and ethical "athleticism," as avoidance of pain, and as a shield against distraction by the trivial. Some of these features, if not all, seem to be present in the asceticism of the ideal Talmudic Sage. Cf. [1962], below.

- [65] 1956 Altmann, Alexander,
 "A Note on the Rabbinic Doctrine of Creation," *JJS*, 7, 1956,
 195-206.

Apart from some new detail on Platonic elements in the Midrash (assumed to have come through an Alexandrian medium and to represent principally Plato's *Timaeus*), this substantial essay suggests midrashic acquaintance (Samuel b. Nahman) with a pre-Neoplatonic doctrine of emanation of primeval light, which turns out to be a version of Philo's Logos.

- [66] 1956 Daube, David,
The New Testament and Rabbinic Judaism, JORDAN LECTURES 1952, London 1956, U. of London, Athlone.

This actually three-dimensional work contains relevant Greco-Roman materials throughout. Apart from fresh instances and reformulations of rhetorical data (415 ff.) and form-critical observations (151 ff.), a comparative study of Sage-like figures in antiquity emerges (86 ff.).

- [67] 1956 Marcus, Ralph,
 "The Hellenistic Age," in *Great Ages and Ideas of the Jewish People*, ed. Leo W. Schwartz, New York 1956, Random House,
 95-139.

In this brilliant summary of Hellenism in the Near East, Marcus is extremely cautious in his evaluation of foreign features in Rabbinic Judaism. He cannot deny the existence of Palestinian-Hellenistic data nor a knowledge of Greco-Roman situations on the part of the Palestinian sages, but to him knowledge does not yet signify influence nor do the influences that did occur affect "the essential character of Pharisaic Judaism" (pp. 110 f.).

His well-known "Selected Bibliography (1920-1945) of the Jews in the Hellenistic-Roman Period," *PAAJR*, 16, 1947, 97-181, offers under Section II.B.1 (131-133) a bibliographical list entitled "Palestinian Judaism in General," but our own subject is not yet much in evidence.

- * [68] 1956 Smith, Morton,

"Palestinian Judaism in the First Century," in *Israel: Its Role in Civilization*, ed. Moshe Davis, New York 1956, JTS, SEMINARY ISRAEL INSTITUTE, 67-91.

Smith refreshingly weakens the traditional scholarly distinction between Palestinian and Diaspora Judaism and asserts that many aspects of Palestinian Judaism were profoundly influenced by Hellenism (p. 68). The historical material adduced gives this article particular weight. Reproduced below.

* [69] 1957 Stein, Siegfried,

"The Influence of Symposia Literature on the Literary Form of the Pesah Haggadah," *JJS*, 8, 1957, 13-44.

A novel and fertile treatment of an entirely different area. Some of the subjects covered are the order and manners of the ancient banquet, its didactic and playful aspects, and its literary features, including sympotic liturgy. Reproduced below.

[70] 1958 Smith, Morton,

"The Image of God," [Notes on the Hellenization of Judaism . . .], *Bulletin of the John Rylands Library*, Manchester U., 40, 1958, 473-512.

Parts 1 and 2, 473-487, are programmatically important. Talmudic reuse of older biblical ideas does not mean that this reuse is untouched by Hellenism. Midrashic "Image of God," e.g., has connotations of the imperial cult of statues and rhetorical emperor deification. The "biblical" literature of transition, Jewish missionary and apologetic writings, testimonia on Jews, and archeology, all presenting Hellenistic situations, must be used in concert.

A postscript to this essay is found in the 1969 memorial volume for E.R. Goodenough, cf. [1969] Fischel.

[71] 1959 Glatzer, Nahum, N.,

Hillel the Elder [: The Emergence of Classical Judaism], rev., Washington 1959 (first 1956), B'nai B'rith Hillel Foundations, also Schocken.

Although Glatzer quotes parallels in word and mood between Hellenistic (especially Stoic) sources and early Rabbinic (i.e., emerging classical Jewish) literature, he is cautious in this lucid portrayal: there are likenesses as well as contrasts; some Greek phenomena were, indeed, adopted (p. 82), but Rome, the heir of Athens, alienated Judaism.

[72] 1959 Hadas, Moses,

Hellenistic Culture [Fusion and Diffusion]. New York 1959, Columbia U. Pr. (Paperback 1972, Norton.)

Hadas addresses himself to the "fusion of cultures which the drive [of the Greeks] to hellenize achieved." In this urbane *tour de force*, Jewish situations appear extremely frequently, both in text and notes. Offering, as a whole, previously known Rabbinic materials but in the context of the general Mediterranean culture, the author wavers in his evaluation: Jewish law is a fusion of the Greco-Roman and the native (p. 42); talmudic learning must have been inspired by Greek practice (p. 71); *et al.*, but there is actually no evidence of a causal relationship, and there are yawning gaps in our knowledge (p. 80).

* [73] 1959 Halevi (Hallewy, etc.), A(leph) A(leph) (i.e., Eli-melech Epstein),

"*Ba'ale ha-aggadah ve-ha-grammatikanim ha-yevaniyyim*," [The Writers of the 'Aggadah and the Greek Grammarians], *Tarbiz*, 29, 1959, 47-55 (Heb.) and III-IV (English summary).

The choice of this article as an introduction to Halevi's wide-flung work is arbitrary: any other of his numerous studies would have been equally representative. His essays have been collected in three volumes, to which reference is made below. A few more samples of individual articles will likewise follow. Reproduced below.

[74] 1961 Bultmann, Rudolf,

Die Geschichte der synoptischen Tradition, 5th ed., Göttingen 1961, Vandenhoeck und Ruprecht, FRLANT 29, 1st ed., Göttingen 1921; 3rd (with supplement), 1958; 6th, 1964.

This famed work includes a detailed analysis and categorization of short literary forms of the New Testament and their possible Greco-Roman connections. The Rabbinic parallels to NT forms are discussed throughout, but their Hellenistic connections are only timidly mentioned (cf. e.g., p. 53: *exempla* of Socrates-Diogenes-Hillel-Jesus), without a suggestion as to their ultimate source. In spite of this, Bultmann's form analysis of parallel instances of NT, Midrash, and Greco-Roman literature has had a far-reaching effect on comparative research since the very first edition of his study in 1921.

*[75] 1961 Daube, David,

"Texts and Interpretation in Roman and Jewish Law," *Jewish Journal of Sociology*, 3, 1961, 3-28.

Another important essay by the scholar of ancient law, illuminating midrashic procedure by related Roman legal and rhetorical methods. Reproduced below.

- [76] 1961 Edelmann, Raphael,
 "Some Remarks on a Certain Literary Genre in Talmud and Midrash and Its Relation to the Hellenistic Culture," (Heb.), in *Third World Congress of Jewish Studies* [Jerusalem 1961, Report], Jerusalem 1965, WUJS, 108-110.

Discusses briefly the Greek *apophthegma* and *chreia* as to their style and function together with some midrashic parallels. He also mentions Diogenes Laertius' work and some talmudic sequences as instances of apophthegmic collections.

- [77] 1961 Gerhardsson, Birger,
Memory and Manuscript [Oral Tradition and Written Transmission in Rabbinic Judaism and Early Christianity], ACTA SEMINARIII NEOTESTAMENTICI UPSALIENSIS 22, Uppsala 1961, Gleerup/Munksgaard.

Follows liberally Lieberman as well as some others, but has occasionally some detail or evaluation of his own. As to his thesis of a similar method of transmission in early Rabbinic culture and the NT, cf. the incisive criticism by Morton Smith in *JBL*, 82, 1963, 169-176.

- [78] 1961 Glasson, Francis, T.
Greek Influence in Jewish Eschatology, London 1961, Society for Promoting Christian Knowledge.

Deals mainly with "intertestamental" literature and with the Last, the Beyond, the Below, and the Above, trying to "redress the balance" by stressing the probability of Hellenistic influences against the claims of the Iranists. Discusses Orphic and Platonic reminiscences, even in some midrashic instances, yet criticizes I. Lévy's *Légende de Pythagore . . . en Palestine*, 1927, as extreme.

- [79] 1961f. Halevi (Hallewy), E.E.,
 "Midrash ha-aggadah u-midrash Homeros," *Tarbiz*, 31, 1961/62, 157-169, 264-280, English summary.

In extending the findings of Lieberman, a comparison is made between the methods of talmudic and Greco-Roman exegetes in their dealing with contradictions and extreme statements in the

Bible, and in Homer, resp., and their common attempt to introduce an ethical perspective into the text through their interpretations. Similarly "Midrash ha-mikra' u-midrash Homeros," ["Homilies from Bible and Homer"] in *Third World Congress of Jewish Studies* [Jerusalem 1961, Report]. WUJS, pp. 110 f.

[80] 1962 Avi-Yonah, Michael,

Bi(ye)me Roma u-Vizantiyon [A Political History of the Jews from the Bar Kokhba Revolt to the Beginning of the Arab Conquest], Heb., [Engl. title: In the Days of Rome and Byzantium], Jerusalem 1962, Bialik Inst. Also in German: *Geschichte der Juden im Zeitalter des Talmud*, STUDIA JUDAICA 2, ed. E. L. Ehrlich, Berlin 1962, Walter de Gruyter. An English version has been announced.

This history differs from others of its kind by its independent observations and the data on our problem, partly the result of the important archeological work of the late author. Cf. especially pp. 67 ff. (Heb.; pp. 70 ff. in the German edition). The work differentiates between various social classes regarding their Hellenization and use of Greek, an older trend in scholarship, but never before applied to the talmudic period.

[81] 1962 Baer, Y.F. (I.F.),

"The Historical Foundations of the Halakhah," Heb., *Zion*, 27, 1962, 117-155, English summary, I-III.

The contribution to our theme consists in the suggestion that Greek law, from Maccabean times on, penetrated the East, but only within limited areas of life, such as the distributive, regulatory, and administrative aspects of society. The Greek Law is reflected in institutions of the Oral Law, especially in the oldest Mishnah, and rests on already established social structures and sancta.

Additional articles in *Zion* further establish this thesis: 17 (1952) 1 ff.; 21 (1956) 1 ff.; 23-24 (1958-59) 3 ff., 141 ff.

Our theme is again pursued in "Social Ideals of the Second Commonwealth," in *Jewish Society Throughout the Ages*, ed. H.H. Ben-Sasson, S. Ettinger, New York 1971, Schocken, 69-91 (a reprint from *Journal of World History* 11, 1968, 69-91). Here Baer tries to demonstrate that much mishnaic Halakhah goes back to actual historical institutions of the Second Commonwealth, and in some of its phases evokes or assimilates the classical Greek

law of the small agricultural *polis*. Some mishnayot have vague Pythagorean features (p. 74); others parallel Plato's "laws." (Much, of course, is totally different from Greek law.)

For Baer's writings cf. Shunami No. 3215.

- * [82] 1962 Bickerman, Elias J.,
 "The Civic Prayer of Jerusalem," *HTR*, 55, 1962, 163-185.
 The significance of a scholarly syncrisis of Greek and Jewish "institutional" prayer becomes obvious in this study of the 'Amidah as the civic prayer of Jerusalem. Reproduced below.

- [83] 1962 Dihle, Albrecht,
Die Goldene Regel [An Introduction to the History of Classical and Early Christian Popular Ethics], German, STUDIENHEFTE ZUR ALTERTUMSWISSENSCHAFT 7, ed. Bruno Snell *et al.*, Göttingen 1962, Vandenhoeck und Ruprecht.

In this comparative study of the Golden Rule in a number of cultures Dihle sees in its structure and spread in post-biblical Judaism traces of Hellenistic "popular ethics" (*Vulgäretik*, in contradistinction, e.g., to Plato's speculative ethic). The "positive" formulation of the Golden Rule is not a creation or characteristic of Christianity and represents a formal variant rather than a different meaning. (The latter contested by A.E. Harvey in *Journal of Theological Studies*, NS 15, 1964, 384-388.) Cf. also Dihle's article on "Ethik" in *Reallexikon für Antike und Christentum*, above, No. [3].

- [84] 1962 Farmer, William R.,
 "Notes on a Literary and Form-Critical Analysis of Some of the Synoptic Material Peculiar to Luke," *New Testament Studies*, 8, 1961-62, 301-316.

An important discussion of the rhetorical *chreia* (307 ff.) in which the author calls for research on the forms of midrashic literature and their possible connection with Hellenistic patterns. In this he proceeds beyond the demands of Bultmann, Dibelius, and R.O.P. Taylor (*The Groundwork of the Gospels*, Oxford 1946, Blackwell).

- [85] 1962 Finkelstein, Louis,
The Pharisees [The Sociological Background of their Faith]. 2 vols., 3rd ed., Philadelphia 1962, JPS, 1st ed. 1938, 2nd rev., 1940.

This comprehensive work deals with other aspects of Pharisaism

(and Rabbinism), but wherever in this study the problem of contact with the West becomes acute, the author brings a new note into the discussion: even the staunchest loyalists learned from the Greeks "the strength inherent in organization" and "the value of formulated doctrines" in the manner of the Athenian philosophical schools (572 f.).

*[86] 1962 Lieberman, Saul,

Hellenism in Jewish Palestine [Studies in the Literary Transmission, Beliefs and Manners of Palestine in the I Century B.C.E.-IV Century C.E.], 2nd ed., New York 1962, JTS.

Since its first edition in 1950, this work has become, together with *Greek in Jewish Palestine*, the basis of all serious studies of the problem of Hellenization. Hellenistic elements are found in customs, concepts, knowledge of science and literary method of the early Rabbinic age.

A Hebrew edition of both *Greek in Jewish Palestine* and *Hellenism in Jewish Palestine* was published as *Yevanit ve-yavnut be'erets Yisra'el*, Engl. title *Greek and Hellenism in Palestine*, Jerusalem 1962, Bialik Inst.

The chapter "Rabbinic Interpretation of Scripture" is reproduced below. It is generally acknowledged to be representative of Lieberman's thesis (pp. 47-82).

[87] 1962 Wächter, Ludwig,

"Der Einfluss platonischen Denkens auf rabbinische Schöpfungsspekulationen," *Zeitschrift für Religions- und Geistesgeschichte*, 14, 1962, 36-56.

The author is interested in ascertaining which historical phase of Platonism has been the stimulant of any particular Rabbinic passage. Thus the location of the ideas in the thought of God represents a certain later stage of Platonism; and Hosha'ya's famous detailed simile of creation is Platonic, but transmitted through Philo's late and equally complex simile. Wächter seems to accept Graetz's early conjecture, in *MGWJ*, 30, 1881, 433 ff., that Hosha'ya heard of Philo in Caesaria through personal contact with Origen (or through Hillel, brother of the Patriarch Judah II, thus Bacher).

Wächter claims that the openness to Hellenistic thought is not always commensurate with the attitude of a particular talmudic authority toward foreign government, according to him a sign

that Hellenizing materials were perhaps not often recognized as such (or that political sovereignty was the issue and not contact with foreign cultures, H.A.F.).

- [88] 1963 Halevi (Hallewy), E. E.,
Sha'are ha-aggadah [On the Nature of the Aggadah, Its Types, Ways, Aims, and Its Relation to the Culture of Its Time]. Heb., Tel-Aviv 1963, Distr. Armoni.

The first collection of Halevi's essays. Although their main purpose is to illustrate Aggadah as a quasi-"*Moreh Nevukhim*," intellectual and political, references to uncannily close Greco-Roman materials abound. Most of the observations are novel. The entire phenomenon is discussed in "Japheth in the Tents of Shem," 229-250.

- * [89] 1963 Lieberman, Saul,
 "How Much Greek in Jewish Palestine," in *Biblical and Other Studies*, LIAJS, Brandeis U., TEXTS AND STUDIES 1, ed. Alexander Altmann, Cambridge 1963, Harvard U. Pr., 123-141. This widely quoted article gives us specifications and limitations of admitted influences, especially vis-à-vis the sweeping statements of Y.F. Baer regarding Greek philosophy, cf. [1955]. Reproduced below.

- [90] 1964 Robinson, James M.,
 "LOGOI SOPHON" [Zur Gattung der Spruchquelle Q], in *Zeit und Geschichte* [Festschrift Rudolf Bultmann (at 80), ed. E. Dinkler]. Tübingen 1964, Mohr (Siebeck), 77-96.

Robinson tries to establish as a distinct literary genre collections of named sayings in classical Greek and the NT, using for his thesis also some talmudic instances. In an expanded form this essay, in English, can be found in *Trajectories Through Early Christianity*, ed. James M. Robinson, Helmut Koester, Philadelphia 1971, Fortress Pr., 71-113, under the title "LOGOI SOPHON, On the Gattung of Q."

- * [91] 1965 Finkel, Joshua,
 "The Guises and Vicissitudes of a Universal Folk-Belief in Jewish and Greek Tradition," *Harry Austryn Wolfson Jubilee Volume* (at 75), 3 vols., Jerusalem 1965, AAJR, 233-254, vol. 1. Greek, Philonic and early Semitic connections in the belief of the disappearing shadow. Reproduced below.

- * [92] 1965 Goldin, Judah,

"A Philosophical Session in a Tannaite Academy," *Traditio*, 21, 1965, 1-21. Amplified in *H. A. Wolfson Jubilee Volume*, as above, No. [91], 69-92, under the title "Something on the Midrashic School of Rabban Yohanan ben Zakkai," Heb. vol.

Goldin skilfully traces (1) Stoicizing anti-Epicurean statements in the Midrash together with (2) the *topos* of moral consistency; (3) a motif of ancient Stoic consolation literature; and (4) a Stoicizing discussion of virtue and vice. Reproduced below.

[93] 1965 Halevi, A.A. (Hallewy, E.E.),

"Greek Motifs in the Agadah of the Spies," in *Fourth World Congress of Jewish Studies* [Abstracts of Papers, Talmud and Rabbis/Jewish Law], Jerusalem 1965, WUJS, pp. 5 f.

The author prefaces his study of some parallel motifs in the two cultures by a programmatic discussion of auxiliary comparative methods in the analysis of Aggadah, such as determining the frequency of a motif; weighing (polygenetic) parallelism against borrowing; the question of direct or secondary or thirdhand knowledge.

* [94] 1965 Lieberman, Saul,

"Some Aspects of After Life in Early Rabbinic Literature," in *H.A. Wolfson Jubilee Vol.*, as above, No. [91], vol. 2, 495-532. Similarities and dissimilarities between the two cultures (and others) on the Beyond, on consolation, posthumous disgrace, burial of belongings, and untimely death. Media of transmission are hearsay and exchange of opinions within a general cultural climate. Reproduced below.

*[95] 1965 Schwarzbaum, Haim,

"Talmudic-Midrashic Affinities of Some Aesopic Fables," *Lao-graphia* 22, 1965 [IV International Congress of Folk-Narrative Research in Athens, 1964], 466-483.

In spite of a wide distribution of fables among other cultures, some of their traits place talmudic fable materials in the proximity of the versions of Phaedrus (an ancient collector). The midrashic specimens maintain (or have added?) their specific Jewish coloration. Reproduced below.

In *Yeda-'Am (sic)* [Journal of the Israel Folklore Society], 8, No. 26, 1962, 54-56, the author deals again with this theme, and claims that midrashic morals attached to fables are often more profound or succinct.

Dov Noy, in the same issue, "Biblical Tales and Greek Legends," 48-54, however, prefers polygenetic explanations for parallels in the earlier, biblical period.

- [96] 1965f. Halley (Halevi), E.E.,
 " 'Al ha-nevu'ah' ("On Prophecy"), *Shenaton ha-me'assef* . . .
 [Anthological Yearbook], Association of Writers in Israel, 15,
 Tel-Aviv, 165/66, 639-643.

Rabbinic views on how and what the prophet sees seem to parallel Hellenistic (and Philonic) views.

- [97] 1966 Goldin, Judah,
 "The End of Ecclesiastes: Literal Exegesis and Its Transformation," in *Biblical Motifs*, LIAJS, Brandeis U., TEXTS AND STUDIES 3, ed. Alexander Altmann, Cambridge 1966, Harvard U. Pr., 135-158.

In this complex essay Goldin ingeniously sees in the admonitions of *Pirke Avot* 1.1 a hint at the scholarly preservation of sacred texts in consonance with Hellenistic philological method. The use of the Greek *chreia* as educational device is mentioned in passing.

- [98] 1966 Rivkin, Ellis,
 "The Internal City: Judaism and Urbanization," *Journal for the Scientific Study of Religion*, 5, 1966, 225-240.

The Pharisees (and their successors) created an internalized *politeia* for the needs of the individual when the arrival of the Greek *polis* disrupted the Near East. Rivkin has formulated this thesis in several versions, cf. [1970], below.

- [99] 1966 Weiss, Hans-Friedrich,
*Untersuchungen zur Kosmologie des hellenistischen und palästini-
 nischen Judentums* [DEUTSCHE AKADEMIE DER WISSEN-
 SCHAFTEN ZU BERLIN. Institut für griechisch-römische
 Altertumskunde, Kommission für spätantike Religionsgeschichte],
 TEXTE UND UNTERSUCHUNGEN ZUR GESCHICHTE DER
 ALTCHRISTLICHEN LITERATUR 97, Berlin, Akademie-Ver-
 lag.

A coherent survey of Hellenism, Alexandrian Judaism, and Rabbinic literature and their mutual relationship regarding the problem of, among others, prime matter versus *creatio ex nihilo* and Logos-like entities. Some forced detail is inevitable in a "Habilitationsschrift."

- [100] 1966f. Ha-Cohen, Menahem, ed.,
"Yahadut ve-yavnut" [Tractate on the Subject Judaism and Hellenism], Heb., *Mahanayim*, 112, 1966/67, Israel Defense Army, Chief Military Rabbinate, illustr.

The solidity and inclusiveness of this remarkable little volume speak highly of adult education in Israel. Of course, leading experts are involved in this issue.

Among the articles which bear upon our principal theme are: Shelomoh Goren, "Judaism Faces Greek Philosophy," 3-15; David Flusser, "The Culture of Greece and the Torah of Israel," 16-19; Abraham Goldberg, "The Oral Law with the Jews and the Greeks," 58f.; Shemuel Haggai, "The Stoic System and Judaism," 62-65; Pinhas Rosenblit (Rosenblueth), "Judah and Greece," 96-99; Haim Schwarzbau, "The Fables of Aesop and the Fables of Our Sages," 112-117; Y. (J.) Elbaum, "Tales With a Drunk and an Ugly One in Our Aggadah and the Aggadah of Greece" (an original research article, includes comparative Aesopian materials), 122-129; and Tsipporah (Zipporah) Kagan, "Pandora's Box in Greek Myth and Israel's Aggadah," 130-135 (like-wise original research).

A few articles in this booklet are somewhat polemical-apologetic, overstating the differences between the two cultures and overemphasizing Israel's uniqueness. This is more than compensated for by the excellence and balanced critical quality of the majority.

- [101] 1967 Hengel, Martin,
 "Judentum und hellenistische Erziehung," *Attempto* (Tübingen) 23-24, 1967, 90-101.

A lucid survey, without footnotes, of Jewish education in the Hellenistic age which ends with brief mentions of early talmudic situations, all seen as (modified) reflections of Greek education. More fully and with documentation in his *Judentum und Hellenismus* [. . . to the Middle of the 2nd Century B.C.], WISSENSCHAFTLICHE UNTERSUCHUNGEN ZUM NEUEN TESTAMENT, ed. J. Jeremias *et al.*, Tübingen 1969, Mohr (Siebeck). Now also in English as *Judaism and Hellenism* [Studies in Their Encounter in Palestine During the Early Hellenistic Period], tr. John Bowden, Philadelphia 1975, Fortress (not seen). Cf. Momigliano's [1970] review, below.

- [102] 1967 Pfitzner, Victor, C.,
Paul and the Agōn Motif [Traditional Athletic Imagery in the Pauline Literature], SUPPLEMENTS, NOVUM TESTAMENTUM 16, Leiden 1967, E.J. Brill.
 Traces the diatribic Cynico-Stoic *agon* motif of moral philosophy in Philo, the Greek Bible, IV Maccabees, some pseudepigrapha, and Josephus. The Rabbinic use is mentioned as an afterthought and here he finds only one comparable item, the prayer of Nehemiah ben ha-Kanah which he (wrongly) credits to the supporting biblical quotations.
- [103] 1968 Fischel, Henry A.,
 "Studies in Cynicism and the Ancient Near East: The Transformation of a *chria*," in *Religions in Antiquity* [Essays in Memory of Erwin Ramsdell Goodenough], ed. Jacob Neusner [Studies in the History of Religions], SUPPLEMENTS TO NUMEN 14, Leiden 1968, E.J. Brill, 372-411.
 A detailed comparative study of the structure, meaning and history of a sample *chria*, "The Spoiled Meal," of Socrates-Xanthippe and Hillel and wife. The Greek is the *Vorlage* of the Hebrew.
- [104] 1968 Halevi (Hallewy), E.E.,
 "*Ahare mot . . .*," *Benjamin de Vries Memorial Volume* (Heb.), ed. E. Z. Melamed, Tel Aviv University, Jerusalem (*sic*) 1968, 94-100.
 The midrashic explanations of the sudden death of Nadab and Abihu, Aaron's two sons, are replete with literary motifs that are also employed by contemporary Greco-Roman writers.
- [105] 1968 Hengel, Martin,
 "‘Berufung’ und ‘Bekehrung’ zur Philosophie bzw. zur Torah im Griechentum bzw. bei den Rabbinen," part II.5 of *Nachfolge und Charisma*, Berlin 1968, Töpelman, 31-38.
 A number of talmudic reports and motifs resemble Greco-Roman patterns on "conversion" to philosophy, especially in the early Academy and with Cynics and Stoics. Among discernible shadings: the radicalism of some of the philosophical patterns is attenuated in the Talmud; the "call" is to Torah more than to the teacher.
- [106] 1968 Wexler (Wechsler), Toviyah,
Tsefunot bi-mesorat Yisra'el, Jerusalem 1968, Rubin Mass.
 The author attempts to show that ancient, especially Hellenistic (Neo-)Pythagorean word-number speculation (isopsephy, *gemat-*

ria, i.e., determining the numerical value of letters [from *grammateia*])—in this instance the type which involves square numbers, 1, 4, 9, 25, etc.—was engaged in also by talmudic teachers and determined some final formulations of the sacred text. It is at the base of some talmudic mysticism (and hereticism). This author's study resembles that of Peter Friesenhahn, *Hellenistische Wortzahlenmystik im Neuen Testament*, Leipzig, Berlin 1935, Teubner (repr. Amsterdam 1970, Grüner).

* [107] 1969 Fischel, Henry A.,

"Story and History: Observations on Greco-Roman Rhetoric and Pharisaism," in *American Oriental Society Middle West Branch Semi-Centennial Volume*, ed. Denis Sinor, Asian Studies Research Institute, Indiana U., ORIENTAL SERIES 3, Bloomington, Ind., 1969, Indiana U. Pr., 59-88.

The phenomenon of Greco-Roman rhetoric in its later amalgamation with popular philosophy and its stress on the centrality of the *sophos* is viewed as a possible pattern for many features of tannaitic and early amoraic Judaism. Reproduced below.

[108] 1969 Sandmel, Samuel,

The First Christian Century in Judaism and Christianity, New York 1969, Oxford U. Pr.

An expert especially in Philonic studies, the author usefully distinguishes three types or degrees of Hellenization: (1) in language (Alexandria), (2) adoption of Greek modes of thought and even some philosophical content, and (3) the Greek way as a life style. The second degree has left traces in Rabbinic literature. This typology continues an equally useful discussion of the triangle Philo, Palestinian Judaism, Greek culture in his *Philo's Place in Judaism*, Cincinnati 1956, HUC Pr., ch. 1.

[109] 1969 Urbach, Ephraim, E.,

"*Hazal*," *Pirke emunot ve-de'ot* [Engl. title: *The Sages, Their Concepts and Beliefs*], Perry Foundation, Hebrew U. of Jerusalem, Jerusalem 1969, Magnes. Recent English translation: *The Sages*, Jerusalem, 1975 (not seen).

In this magisterial study which deals with a great many relevant situations, a meticulous analysis of the talmudic text, within the immediate context as well as the wider framework of concomitant beliefs, removes most "foreign" passages from the list of influences, from R. Hosha'ya's "Platonic" idea (pp. 175 ff.) to items

identified by others as Cynical (pp. 422 f.) or Stoic (179, 198, 427). Occasionally an apparently more than accidental similarity to Stoic situations is cautiously admitted (242) and the difficulty to find the true origin of a Stoa-like passage emphasized (95). Similar reservations prevail in Urbach's related articles on the Sages, such as his study in *Jewish Society Throughout the Ages* (cf. [1962] Baer) and the entry "Sages" in *EJ*.

- [110] 1969 Wächter, Ludwig,
 "Astrologie und Schicksalsglaube im rabbinischen Judentum," *Kairos*, NF 11, 1969, 181-200.
 Astrology and the belief in fate are described as transplants from the East into Hellenism. The study traces their subsequent gradual penetration into Palestinian and even more into Babylonian Rabbinism, as well as the opposition to this powerful belief. No direct impact of Stoic *heimarmenē* is claimed.
 The author wrote a theological dissertation "Rabbinischer Vorsehungs- und Schicksalsglaube," in Jena, 1958, 168pp., in ms. (not seen).
- * [111] 1970 Bahr, Gordon J.,
 "The Seder of Passover and the Eucharistic Words," *Novum Testamentum*, 12, 1970, 181-202.
 Adds a considerable amount of new detail on Greco-Roman sympotic culture and the Seder to S. Stein's study, cf. [1957]. Reproduced below.
- [112] 1970 Halevi (Hallewy), E.E.,
 "*Ha-zeman ve-ha-ma'aseh*" [Engl. title: "Time and Action"], *Tarbiz*, 39, 1970, 342-348, Engl. summary.
 Reflections of the Greek *kairos* in midrashic literature.
- * [113] 1970 Momigliano, Arnaldo (D.),
 "*Judentum und Hellenismus* . . . By Martin Hengel," *Journal of Theological Studies*, NS 21, 1970, 149-153.
 A masterful historical sketch on the research of Jewish Hellenistica; and praise for and some reservations about, Hengel's work. Reproduced below.
- * [114] 1970 Rivkin, Ellis,
 "Pharisaism and the Crisis of the Individual in the Greco-Roman World," *JQR*, 61, 1970, 27-53.
 Internalization as a "revolutionary" response to the Hellenistic challenge. Hellenism was the model for several Pharisaic (and

Rabbinic) phenomena; others represent creative problem solving. All in all, Pharisaism was a distinctive form of Judaism and not a Jewish variant of Hellenism. Reproduced below.

[115] 1970 Stein, Menahem (Edmund),

Beyn tarbut Yisra'el ve-tarbut Yavan ve-Roma [Engl. title: *The Relationship Between Jewish, Greek and Roman Cultures*], ed. Israel Cohen, intr. Judah Rosenthal, Tel-Aviv 1970, Association of Writers in Israel, and Massada (*sic*).

A posthumous memorial issue of Stein's major essays with a preliminary bibliography (255-263). [Other bibliographical detail in Shunami, No. 4345]. Some of these essays also in [1938] Stein. Among the articles is the important earlier study of "The Hellenistic Midrash" (91-105), which includes Palestinian creations. The author distinguishes (1) popular Aggadah, (2) philosophical Aggadah, (3) (philosophical-) allegorical Aggadah. The Palestinian Midrash can be understood only in relation to its Hellenistic-Jewish source. In "our Midrash" the philosophical concept is obscured by a "popular veil" (p. 97). Hellenistic (Alexandrian) Jewry is responsible for the creation of a new category of allegorical Midrash, i.e., the psychological-ethical allegory (p. 102). Other relevant items are "Mother Earth in Ancient Hebrew Literature" (189-213) and "The Temple as Microcosm" (214-216). Some related material also in his well-known monographs *Die allegorische Exegese des Philo aus Alexandria*, BZAW 51, Gies-sen 1929, Töpelmann, and *Philo und der Midrasch*, BZAW 57, *ibid.* 1931, *ibid.* (on biblical heroes).

[116] 1970f. Halevi (Hallewy), E.E.,

"*Motivim yevaniyyim ba-aggadah*" [Engl. title: "Greek *Topoi* in Aggadic Literature"], *Tarbiz*, 40, 1970f., 293-300.

The *topoi* are standard motifs (i.e., traditional rhetorical subjects, customary themes, H.A.F.) found in Greco-Roman and Jewish literature, all ultimately derived from Greek usage. Halevi detects several such *topoi* in the midrashic elaboration of the biblical story of the Spies (Numbers 13 f.).

* [117] 1971 Sarna, Nahum M.,

"The Order of the Books," in *Studies in Jewish Bibliography, History and Literature in Honor of I. Edward Kiev* (at 65), ed. Chas. Berlin, New York 1971, KTAV, 407-413.

In a totally novel attempt, Sarna traces the threefold division and

the sequence of books of the Bible to Hellenistic archival procedure. Reproduced below.

- [118] 1972 Betz, Hans Dieter,

Der Apostel Paulus und die sokratische Tradition, BEITRÄGE ZUR HISTORISCHEN THEOLOGIE, ed. Gerh. Ebeling, 45, Tübingen 1972, Mohr(Siebeck).

In this brilliant study of Paul's apology, 2 Cor. 10-13, Betz applies a comparative method which utilizes Hellenistic apologies, aretalogies, and *sophos* lore. Parallel Rabbinic themes are discussed in some instances, e.g., thaumaturgy and payment of the Sage (106 ff.). *Pirke Avot* 6.10 resembles the Cynic diatribe, cf. Lucian, *Dial. mort.* 10 (p. 108).

- [119] 1972 Goldin, Judah,

"Several Sidelights of a Torah Education in Tannaite and Early Amoraical Times," in *Ex orbe religionum* [Studia Geo Widengren . . . oblata] SUPPLEMENT, *NUMEN* 21-22, Leiden 1972, E.J. Brill, 176-191.

Goldin compares Hellenistic and talmudic phenomena of ancient education: the study of the alphabet, the use of *chreiai* and *exempla*, and preference for a conservative (conserving) pastbound outlook.

- [120] 1972 Halevi (Hallewy), E.E.

'Olamah shel ha-aggadah [The Aggadah in the Light of Greek Sources], Heb., Tel-Aviv 1972, D(e)vir.

The relationship of talmudic phenomena to the Greco-Roman world is acknowledged in unmistakable terms. Talmudic ethic and dialectic have an unbreakable tie with Hellenism. A vast panorama of related situations is opened up in this volume which includes some extensions of earlier essays. Particularly relevant are the chapters on "Homeric" Midrash, the Greek *topos* (some twenty instances), morality, rhetoric, palinodia, fable, and gnomic literature.

- [121] 1973 Fischel, Henry A.,

Rabbinic Literature and Greco-Roman Philosophy [A Study of Epicurea and Rhetorica in Early Midrashic Writings], *STUDIA POST-BIBLICA* 21, ed. J.C.H. Lebram, Leiden 1973, E.J. Brill. Chapter one attempts to trace Greco-Roman anti-Epicurean stereotype, biography (Acher's is patterned after that of Epicurus and Arcesilaus), and parody (Akiba's warning in the "Four

in Paradise") in the Midrash. The second chapter tries to pinpoint the Hellenistic pattern for "There is no Justice and there is no Judge," and the third analyzes the Midrash of ben Zoma (entirely Greco-Roman) and on ben Zoma (likewise patterned after Greco-Roman literary models hostile to philosophy or rhetoric). An appendix suggests that ben Azzai's Midrash, too, is to a considerable degree of Hellenistic derivation.

- [122] 1973 Halevi (Hallewy), E. E.,

Parashiyyot ba-aggadah [Chapters in Aggadah in the Light of Greek Sources], Heb., Tel-Aviv 1973, A. Armoni and U. of Haifa. A vast inventory of Greco-Roman materials which parallel midrashic interpretations of biblical motifs, stories, and characters from Creation to the Destruction of the First Temple. Should be considered an indispensable companion volume to Louis Ginzberg's *Legends of the Jews*.

- [123] 1974 Fischel, Henry A.

"The Uses of Sorites (*climax, gradatio*) in the Tannaitic Period," *HUCA*, 44, 1973, 119-151.

A brief literary history and an analysis of forms and functions of the ancient chain saying in Greco-Roman, tannaitic, and early Christian literature. Some of the seven distinct categories in Jewish literature are Greco-Roman-related, others are autochthonous. *Pirke Avot* 1.1 ff. seems somehow to be connected with a Homeric model listed in most rhetorical handbooks; ben Zoma's is a parody of a well-known Epicurean model; Pinhas b. Yair uses a contemporary literary formula for the sancta of philosophical-religious movements; etc.

- [124] 1974 Loewe, Raphael,

"Rabbi Joshua ben Hananiah: L.I.D. or D.Litt.?" *JJS*, 25, 1974 (cf. [1944] Daube, end), 137-154.

A charming and urbane study of the word group *scholē* and *scholastikos* as Hebrew loanwords and concomitant situations in Greco-Roman and talmudic academies.

- [125] 1974 Meeks, Wayne A.,

"The Image of the Androgyne: Some Uses of a Symbol in Earliest Christianity," *History of Religions*, 13, 1974, 165-208.

In pursuing a comparative study in depth on the meaning of the (re)unification of the opposite sexes as a soteriological symbol, Meeks deals most ably and exhaustively with the historical posi-

tion of the sexes in classical sources, Judaism, Samaritanism, and earliest Christianity. He assigns the talmudic representations of *androgynos*[-*diprosōpos*] to Platonic influence, but notes the differences in the ideational suppositions of the motif as it is applied in three religious cultures.

[126] 1975 Fischel, Henry A.,

"The Transformation of Wisdom in the World of Midrash," in *Aspects of Wisdom in Judaism and Early Christianity*, ed. Robert L. Wilken, U. of Notre Dame Pr., Notre Dame 1975 [NOTRE DAME CENTER FOR THE STUDY OF JUDAISM AND CHRISTIANITY IN ANTIQUITY], 67-101.

Although some Wisdom of the pre-talmudic type continues to expand, especially that dealing with the uniqueness, usefulness, and survival value of Torah, other Wisdom areas become "Westernized" in the Midrash, among them speculations on Wisdom-Torah, the concept of the Sage and his properties, the actual content of Wisdom, sympotic materials and customs, rhetorical and literary forms including some liturgy, methods of quoting authors, and combining wisdom items into larger collections.

ADDENDA

[19a] 1919 Bentwich, Norman,

Hellenism, Philadelphia 1919, JPS.

A popular work which deals with Hellenism in Judaism throughout the ages. In a chapter on "The Rabbis and Hellenism," Bentwich states that Hillel the Elder "was directly or indirectly acquainted with Greek doctrines" and suggests that there are certain similarities between subjects disputed by the subsequent Schools and Plato's *Timaeus* (255 ff.). Most Rabbinic speculations, however, are strikingly poetical but (purposely) unsystematic echoes of Alexandrian (Hellenized) Jewish thought. The Hadrianic events close a chapter of Hellenization. In amoraic Caesaria new contacts are made.

[26a] 1927 Lévy, Isidore,

La Légende de Pythagore de Grèce en Palestine, Paris 1927, Champion, BIBLIOTHÈQUE DE L'ÉCOLE DES HAUTES ÉTUDES [Sciences historiques et philologiques], vol. 250.

In this broad survey and treatment of all the presumed elements of the Pythagoras legend, Pharisaic-Rabbinic ideas of life after death and reward and punishment (254 ff.) are held to be survivals of Pythagorean concepts. The resurrection of the dead is seen as a transformed belief in (Pythagorean) metempsychosis and palingenesis combined with Ezekiel's vision. Ablutions and immersions are ultimately of Pythagorean origin. Hillel's sayings, likewise, have Pythagorean echoes both in content and in form (258 ff.) as well as some talmudic material on Yoḥanan Ben Zakkai (260). The learned discussion and problematics of Thales' three benedictions and their puzzling parallel in the morning prayer of Judaism remains unresolved as to their ultimate source (261 ff.). [Lévy's many studies of Essenism, Philo, and Palestinian Isis cult do not belong here.]

[68a] 1956 Ebner, Eliezer,

Elementary Education in Ancient Israel (During the Tannaitic Period 10-220 C.E.), New York 1956, Bloch.

Ebner comments briefly on parallelisms between Greek and Jewish education. He finds resemblances in the low social status of the elementary school teacher, which is frequent in Jewish sources and general in Greece (p. 59). Furthermore, the teaching methods of the alphabet are markedly similar (76, 90). There are no vacations (except festivals) and the hours are early (71f.). Although no interdependence is claimed for these parallel phenomena, Ebner believes that the existence of Hellenistic schools for Gentiles in Palestine (attended also by well-to-do Jews) may have stimulated, among other factors, the founding of the Jewish school (43). The Greco-Roman materials in the book are taken from secondary literature and not from the sources.

[89a] 1964 Efros, Israel I.,

Ancient Jewish Philosophy [A Study in Metaphysics and Ethics], Detroit 1964, Wayne State U. Pr.

A collection of essays a number of which present all early Jewish thought as philosophy in clash with "pagan" philosophies. Nevertheless, Efros sees Logos-connected and Gnostic speculations among the Tannaim, some Platonic detail among the Shammaites (p. 61) and other Tannaim as well as Amoraim, and a Pythagorean echo with Natan ha-Bibli (*ibid.*). According to a contrastive article "Israel and Greece," the latter "cared for the group," the former for the individual. Ironically, the tannaitic proof material which the author quotes for his characterization derives, unbeknownst to him, from Greek philosophy.

C. INDEX OF NAMES TO BIBLIOGRAPHY.

* signifies an entry in the Bibliography.

** signifies an entry and reprinting in the volume.

Unstarred numbers signify mention in an entry.

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1.

Die stoische Philosophie und die jüdische Frömmigkeit.

Rabbiner Dr. BERGMANN-Berlin.

Der stoische Philosoph, der christliche Apostel und der jüdische Weise sind drei verschiedene Typen. Jeder von ihnen hat seinen eigenen Charakter. Dennoch wer diesen Männern etwa in einer Stadt Palästinas begegnet wäre und ihren Vorträgen gelauscht hätte, der hätte bald eine gewisse religiöse und ethische Verwandtschaft zwischen ihnen herausgefunden. Was das Handbüchlein Epiktets, was die Bergpredigt Jesu, was der Mischnatraktat mit den „Sprüchen der Väter“ lehren, trägt in vielen Punkten eine gleiche religiöse und ethische Färbung. Einzelne Aussprüche der Stoa, des Evangeliums und der Agada stimmen inhaltlich, manchmal auch wörtlich überein.

Die Übereinstimmung zwischen den Lehren der Stoa und des Christentums ist schon im Altertum bemerkt worden. So schreibt der Kirchenvater Tertullian: Seneca ist oft auf unserer Seite. Diese Übereinstimmung hat einen christlichen Schriftsteller veranlaßt, einen Briefwechsel zwischen Seneca und Paulus zu erdichten und den stoischen Philosophen darin zum Jünger des christlichen Apostels zu machen. Wegen dieser Übereinstimmung ist im Mittelalter die Fabel entstanden, Epiktet sei für das Evangelium gewonnen worden, er habe jedoch unter dem Druck der Christenverfolgungen unter Nero und seinen Nachfolgern die christliche Überzeugung verheimlicht.¹ Die Frage der Übereinstimmung zwischen der Stoa und dem Christentum ist in der Neuzeit wissenschaftlich behandelt worden. Bald hat man das Neue Testament², bald die Stoa als den lernenden und

¹ ZAHN, Der Stoiker Epiktet und sein Verhältnis zum Christentum,² Erlangen und Leipzig 1895, S. 6. 33.

² BAUR, Seneca und Paulus, ZwTh 1858, 2. und 3. Heft.

empfangenden Teil hingestellt¹; zuletzt sind dagegen Stoa und Christentum voneinander getrennt, die Differenzpunkte zwischen beiden scharf betont und die Originalität und die Unabhängigkeit beider festgestellt worden².

Aber auch zwischen dem Judentum und der Stoa besteht in vielen Punkten eine Übereinstimmung und eine Verwandtschaft: schon Josephus schreibt, er habe sich der pharisäischen Sekte angeschlossen, die der stoischen Schule unter den Griechen nahe kommt.³ Dieser Frage ist jedoch bis jetzt eine wissenschaftliche Untersuchung nicht zuteil geworden. Nur in ganz allgemeinen Urteilen haben einzelne Forscher auf die Übereinstimmung zwischen dem Judentum und der Stoa hingewiesen und die Abhängigkeit des Judentums von der Stoa behauptet. So schreibt BOUSSET: „Überall (im Spätjudentum) finden wir eine außerordentliche Bereicherung und Verfeinerung der Ethik, teilweise nicht ohne direkten Einfluß der humanen spätgriechischen Populärethik, die durch stoisch-kynische Wanderprediger auf den Gassen und Märkten verkündigt, jedermann zugänglich war.“ Noch bestimmter urteilt BERTHOLET, das Spätjudentum sei vom Griechentum, besonders aber von der Stoa beeinflusst worden; „es lassen sich ganz beträchtliche Einflüsse der griechischen, speziell der stoisch-kynischen Populärethik . . . auf die jüdische nachweisen“.⁴

Dem sogenannten Spätjudentum wird in der theologischen Wissenschaft nur eine geringe Schöpferkraft zugeschrieben. Es erscheint darum erklärlich, daß das Judentum, wenn eine Übereinstimmung zwischen ihm und der Stoa besteht, ohne weitere Begründung als der empfangende Teil hingestellt wird.

Vorliegende Abhandlung soll zur Aufhellung des Problems beitragen, ob und in welchen Punkten das Judentum von der stoischen Populärphilosophie beeinflusst worden ist.

Vorerst muß eine Frage noch beantwortet werden. Ist es denn denkbar, daß die Lehrer des Judentums, die sich in die „vier Ellen der Halacha“ zurückzogen und einen Zaun um die Lehre und eine Scheidemauer um das jüdische Volk aufzuführen sich bemühten, ist es denn denkbar, daß sie mit den Lehren der griechischen Weisheit

¹ ZAHN a. a. O. Kuiper, Epictetus en de christelijke moraal, Amsterdam 1906.

² Theol. Literaturbl. 1905, N. 6ff. Briegersche Zeitschrift für Kirchengeschichte 1906, S. 129ff. BONHÖFFER, Epiktet und das N. T., Gießen 1911.

³ Jos. Vita 2.

⁴ BOUSSET, Religion des Judentums², Berlin 1906, S. 485. BERTHOLET, Das religionsgeschichtliche Problem des Spätjudentums, Tübingen 1909, S. 15.

in Berührung kamen? Auf welchem Wege konnten denn die Juden oder wenigstens ihre Lehrer die Gedanken der stoischen Philosophen kennen lernen?

Die Lehrer des Judentums konnten die Gedankenwelt der Stoa vor allem durch die Vermittlung der griechisch gebildeten Diasporajuden kennen lernen. Zwischen den Juden im heiligen Lande und ihren Brüdern in Alexandrien bestand ein lebhafter Verkehr. Palästinensische Lehrer kamen nach Alexandrien, und in noch größerer Anzahl kamen Juden aus der Diaspora nach Jerusalem zu den Wallfahrtsfesten. Aus vielen „Tausenden“ von Städten strömten nach einem Worte Philos viele Tausende zu jedem Wallfahrtsfeste nach der heiligen Stadt.¹ Philo selbst hat gleich anderen Diasporajuden, wie er an einer Stelle beiläufig erwähnt, eine Reise nach Jerusalem unternommen, um nach Vätersitte im Tempel zu beten und zu opfern.² Viele von diesen griechisch gebildeten Diasporajuden ließen sich sogar in Jerusalem nieder, sie bildeten dort eigene Gemeinden und gründeten eigene Synagogen. Sie brachten Opfergaben in den Tempel und brachten auch nach dem heiligen Lande griechische Bildung. Durch die Vermittlung dieser Diasporajuden, denen, wie Philo beweist, die damals populäre stoische Gedankenwelt nicht fremd war, konnten auch die jüdischen Weisen in Palästina einiges aus dieser Gedankenwelt erfahren.

Die Kenntnis der stoischen Gedankenwelt konnte den jüdischen Weisen auch auf anderen Wegen noch vermittelt werden. Zu den jüdischen Wallfahrtsfesten kamen nach Jerusalem auch griechische Proselyten, um den höchsten Gott anzubeten und ihm zu opfern. Zu den Festspielen, die Herodes in Jerusalem einführte, trafen fremde Künstler und fremde Zuschauer ein. Wenn nach Jerusalem keine griechischen Heiden kamen, welchen Sinn hatte die griechische Tafel am herodianischen Tempel, die die Heiden vor dem Betreten des Heiligtums warnte?

Im heiligen Lande gab es außerdem Städte, in denen die griechische Bevölkerung und die griechische Bildung vorherrschend waren und aus denen, wie z. B. aus Askalon, stoische Philosophen hervorgingen. In diese Städte kamen gewiß auch die Wanderprediger, die um jene Zeit das Publikum aller antiken Großstädte um sich ver-

¹ PHILO, de monarchia 2, 1.

² Die Werke Philos von Alexandria in deutscher Übersetzung herausgegeben von LEOPOLD COHN, I S. 4.

sammelten, um ihm die Lehren der kynisch-stoischen Philosophie zu predigen. Die Juden waren schon als Kaufleute gezwungen, die griechischen Handelsstädte zu besuchen und mit den Griechen zu verkehren. Mögen auch die niederen Stände der jüdischen Bevölkerung in Palästina die griechische Sprache nur mangelhaft oder überhaupt nicht gekannt haben, die Kaufleute und die Gebildeten, einzelne Lehrer und Repräsentanten des Judentums waren mit ihr vertraut. Der Philosoph Oenomaos aus Gadara war ein Freund des R. Meir. Wie der Talmud erzählt, führten „Philosophen“, das sind griechisch gebildete Heiden, mit den Lehrern des Judentums Gespräche, und es ist nicht unwahrscheinlich, daß der eine oder der andere von diesen „Philosophen“ zu den stoischen Wanderpredigern gehörten, die ihre Lehren überall verbreiteten.

Trotz aller Abschließung kehrte das Griechentum auf verschiedenen Wegen in Palästina ein. Im Judentum faßte der Essenismus Wurzel, der unter dem Einflusse des Pythagoräismus entstand. Der Gnostizismus, der viele Elemente der griechischen Philosophie enthielt, fand unter den jüdischen Weisen zahlreiche Anhänger. In der Sprache der Mischna und des Talmuds findet sich eine große Zahl von griechischen Fremdwörtern. Die Halacha zwar war exklusiv, aber die Agada bediente sich oft griechischer Fremdwörter, ihr waren griechische Mythen, fremde Weisheit und Sitte nicht unbekannt. Wie die Griechen die jüdische Bibel lasen und mit der religiösen Welt des Judentums in Berührung kamen, so konnten auch die Lehrer des Judentums die damals verbreiteten Lehren der stoischen Popularphilosophie kennen lernen.

Ob und in welchem Maße das geschehen ist, das soll jetzt untersucht werden.

I.

1. Die volkstümliche Form. Der stoische Popularphilosoph und der jüdische Weise wollen Volkslehrer sein. Darum bewegen sich beide in volkstümlichen, auf die Massen wirkenden Formen. „Neben der stillen Arbeit der Schulen geht, besonders in der Stoa, eine Propaganda her, die sich an die Massen wendet.“¹ Die Stoiker sind Philosophen in den Schulen und zugleich Volkerzieher und Wanderprediger auf den Gassen und den Märkten. So aber verhält es sich

¹ WENDLAND, Die hellenistisch-römische Kultur in ihren Beziehungen zum Judentum und Christentum, Tübingen 1907, S. 40.

auch mit den jüdischen Weisen. Wer ihnen volksfeindlichen Gelehrtenhochmut zuschreibt, der verkennt sie in ihrem Wesen und Streben. Bei den Fragen der Halacha fällt zwar im Lehrhause manch schroffes Wort gegen den unwissenden Am-haarez, in der Agada aber bekunden die jüdischen Weisen, daß sie mit ihrem Denken und Fühlen im Volke stehen und seine Freuden und seine Sorgen kennen. In der Agada wollen sie dem Volke den Weg des Lebens weisen und in seiner Not es trösten und aufrichten. Das Volkstümliche zeigt sich bei den stoischen Philosophen und den jüdischen Weisen in der Art, wie sie beide aus dem Leben heraus für das Leben lehren, ihre Wahrheiten in kurzen, dem Gedächtnisse des Volkes sich leicht einprägenden Sprüchen und in wirksamen Gleichnissen verkünden. Von den vielen Beispielen sollen hier nur einige angeführt werden.

Seneca erwähnt das Wort des Stoikers Hecato: „Willst du geliebt werden, so liebe“. Man vergleiche damit die Sentenz des Simon b. Zôma: Wer wird geehrt? Der die Menschen ehrt.¹

In einem Ausspruch Epiktets werden die Gewinnsucht, die Genußsucht und die Ruhmsucht als die Quellen der Sünde genannt. Dreierlei, so lehrt Seneca, muß man nach einem alten Worte meiden: Haß, Neid und Verachtung. Mit diesen beiden Aussprüchen vergleiche man die beiden Sentenzen der jüdischen Weisen: „Das böse Auge, der böse Trieb und der Menschenhaß bringen den Menschen aus der Welt“. Oder: „Eifersucht, Begierde und Ehrsucht bringen den Menschen aus der Welt“.²

Epiktet, dem schon Origenes eine volkstümliche, die Menge packende Lehrart nachrühmt³, vergleicht das Leben mit einem Kriegsdienst, in dem jeder seinen Posten behalten muß, bis das Signal ihn abrufft, mit einem Drama, in dem jeder seine Rolle zugeteilt erhält, mit einem Haushalt, in dem der Hausherr jedem sein besonderes

¹ Seneca, ep. 9, 6. Ab 4, 1. Vgl. dieselbe Form in dem Leichenspruche Akibas: Übe Liebe- (an dem Toten), auf daß sie auch an dir geübt werde j. Ketub. 31 b. Oder in dem Worte Gamaliels: So lange du barmherzig bist, wird Gott deiner sich erbarmen j. B. K. 6 c. Dieselbe volkstümliche Prägung tragen viele neutestamentliche Sprüche, z. B. Lc. 6, 37: Vergebet, so wird euch vergeben, oder das Herrnwort im ersten Klemensbrief 13, das mit dem Spruch Gamaliels übereinstimmt: *Ἐλεῖτε, ἵνα ὑμεῖς ἡλεῖσθε*.

² Epiktet bei Stob. 3, 77. Seneca ep. 14, 10. Josua b. Chananya Ab. 2, 11. Eleasar hakappar Ab. 4, 21.

³ Orig. c. C. 6, 2.

Amt zuweist.¹ „Groß ist der Kampf, göttlich das Werk denke an Gott und rufe ihn als Helfer und Beistand an“. Damit vergleiche man das volkstümliche Bild der Agada vom menschlichen Leben: „Kurz ist der Tag, groß die Arbeit, die Arbeiter sind träge, der Lohn ist groß, und der Hausherr drängt.“²

Die Gottheit, so sagt Seneca, schreibt die Verdienste der Anspruchslosen in ihr Rechenbuch ein. Sie kennt den Tag, da die Heimzahlung mit Zinsen erfolgen wird. „Ich weiß es, was ich jedem schulde. Den einen bezahle ich erst nach langer Frist, den anderen schon im Voraus“. Ein ähnlich volkstümliches Bild findet sich in einem Ausspruche Akibas: „Das Buch ist geöffnet, die Hand schreibt ein; wer entleihen will, kommt und entleiht. Die Einforderer gehen an jedem Tage herum und fordern von den Menschen die Schuld ein“.³

Beliebt sind in der stoischen Diatribe und in der Agada die Königsgleichnisse. Epiktet sagt: „Wer mit dem Kaiser oder sonst einem Machthaber verwandt ist, hält sich für geborgen. Wie viel mehr sollte uns der Gedanke, Gott zum Schöpfer, Vater und Versorger zu haben, alle Furcht und Trauer benehmen“. Und an einer anderen Stelle schreibt er: Ein vorsichtiger Wanderer, der durch eine von Räubern bedrohte Gegend reisen will, macht die Reise nicht allein, sondern wartet, bis er einen mit Bedeckung versehenen Reisegefährten findet. So macht es im Leben der Verständigen Wem soll ich mich nun anschließen? Dem Reichen, dem Mächtigen? Was hilft mir das? Nun will ich mich bei dem Kaiser beliebt machen, dann wird mir niemand etwas antun. Aber um das zu erreichen, was kostet es für Mühe? So fragt er sich und gelangt zu der Erkenntnis, daß er ungefährdet durchkommen kann, wenn er sich Gott anschließt.“ Von den vielen Königsgleichnissen des Midrasch soll hier nur ein einziges als Parallele angeführt werden: Ein König hatte einen Diener in Syrien. Er selber dagegen residiert in Rom. Der König ließ seinen Diener kommen und ihm hundert Litren Gold geben. Der Diener lud sie auf und ging seinen Weg. Da überfielen ihn Räuber und nahmen ihm alles, was der König ihm gegeben und was er bei sich gehabt. Konnte der König ihn vor

¹ ZAHN a. a. O. S. 13f.

² Epiktet diss. II 18, 28. Tarphon Ab. 2, 15.

³ Seneca de benefic. 4, 32. Ab. 3, 16.

Räubern bewahren? Darum heißt es: Der Ewige segne dich — mit Reichtum, der Ewige behüte dich — vor Räubern.¹

Der stoische Popularphilosoph und der jüdische Weise wollen Volkslehrer sein. Beide wollen auf die Massen wirken und geben ihren Lehren eine volkstümliche Prägung. Allein zwischen beiden besteht nicht nur eine formale sondern in vielen Punkten auch eine gedankliche Übereinstimmung.

2. Gott und die Seele. Der Stoiker Diogenes aus Babylon lehrt, Gott durchdringe die Welt in ähnlicher Weise wie die Seele den Körper.² Ähnlich sagt Seneca: Was Gott in der Welt ist, das ist der Geist im Menschen; was dort die Materie ist, ist hier der Leib.³ Der Vergleich ist stoisch, er ist auf dem Boden der pantheistischen Anschauung entstanden, nach der die Gottheit nicht über der Welt sondern in ihr wohnt und sie durchdringt wie die Seele den Körper. Den Vergleich Gottes mit der Seele übernimmt von den Stoikern Philo: „Denn was der große Lenker im Weltall ist, das ist wohl der menschliche Geist im Menschen. Er ist selber unsichtbar, sieht aber alles“.⁴ Von den Stoikern, vielleicht durch die Vermittlung Philos, gelangt dieser Gedanke in das jüdische Schrifttum: Wie Gott die Welt erfüllt, so die Seele den Körper; wie Gott sieht, selber aber unsichtbar ist, so auch die Seele; wie Gott der Welt Leben schenkt, so die Seele dem Körper; wie Gott rein ist, so auch die Seele.⁵ Der Vergleich Gottes mit der Seele findet sich auch sonst im jüdischen Schrifttum. Der Mensch kann seine Seele nicht sehen, wie könnte er Gott sehen! Das wird von jüdischen und christlichen Apologeten den Heiden zugerufen, um ihnen klarzumachen, daß Gott für das menschliche Auge unsichtbar ist.⁶ Der Gedanke, daß Gott die Welt erfüllt wie die Seele den Körper, konnte nur bei den Stoikern entstehen, die die Immanenz Gottes annahmen. Im jüdischen Lehrhause, wo Gott über die Welt gestellt wurde, ist dieser Gedanke nicht entstanden; er ist dort vielmehr der stoischen Popularphilosophie entlehnt worden.

3. Die Seele. Die Stoiker beschäftigen sich mit dem Problem, wie die Seele entstanden sei. Panätius, ein Philosoph der mittleren

¹ Epiktet diss. I 9, 7. IV 1, 91. Num r. 11, 5.

² Philodem de piet. p. 82 ed. Gompertz.

³ Seneca ep. 65, 24.

⁴ de opif. mundi 23.

⁵ Berach 10a. Midr. Schoch. tob zu Ps 103, 4.

⁶ BERGMANN, Jüdische Apologetik im nt. Zeitalter S. 74 und Note 1.

Stoa, behauptet, die Seele könne nur durch geschlechtliche Fortpflanzung vermittelt werden. Posidonius dagegen meint, es sei unmöglich, daß die Seele durch Zeugung entstehe, sie müsse vielmehr von außen in den Menschen hineintreten.¹ Wann und wie das geschieht, läßt sich nicht ermitteln. Doch ist es mehr als wahrscheinlich, daß nach Ansicht des Posidonius die Seele bei der Zeugung in den Menschen einziehe. Wie Tertullian mitteilt, hätten die Stoiker angenommen, daß die Seele erst bei der Geburt mit dem Leibe sich verbinde.² Das Problem der Entstehung der Seele wird auch in einem Gespräche zwischen Antoninus und Rabbi behandelt. Antoninus belehrt Rabbi, daß die Seele schon bei der Empfängnis in den Menschenleib eintrete.³ Schon der Ausspruch Rabbis: „Diese Sache hat mich Antoninus gelehrt“, beweist, daß das behandelte Problem von außen und zwar, wie wir jetzt wissen, aus der stoischen Popularphilosophie in das Lehrhaus gelangt ist.

Während aber in dem Vergleich Gottes mit der Seele und in der Besprechung des Problems der Seelenschöpfung ein stoischer Einfluß festgestellt werden kann, können wir in den folgenden Parallelen zumeist wohl nur eine Übereinstimmung aber kein Abhängigkeitsverhältnis konstatieren.

4. Die göttliche Vorsehung. Die Vorsehung Gottes erstreckt sich auf alle Geschöpfe; an den kleinsten Geschöpfen aber zeigt sie sich am größten. Dieser Gedanke findet sich in der Stoa und im Judentum. Bei Kleanthes, Cicero und auch bei Philo wird die Ameise als Beweis für die göttliche Vorsehung hingestellt.⁴ Ähnlich aber wird von R. Jochanan erzählt, er habe, wenn er eine Ameise erblickte, Gottes Vorsehung gepriesen und gesprochen: „Deine Wohltätigkeit ist bis an die Berge Gottes“ Ps 36, 7.⁵ Gottes fürsehende Güte für die Tiere (für die jungen Raben) wird schon in der Bibel verherrlicht, und der Gedanke, daß die göttliche Vorsehung gerade an den kleinsten Geschöpfen am meisten sich kundtut, ist durchaus im Geiste der Bibel gedacht. Der Glaube an Gottes gütige Vorsehung hat nichts spezifisch Stoisches und ist im

¹ SCHMEKEL, Die Philosophie der mittleren Stoa, Berlin 1892, S. 196. 249.

² de anima 25.

³ Sanh 91b.

⁴ WENDLAND, Die philosophischen Quellen des Philo von Alexandria in seiner Schrift über die Vorsehung, Berlin 1892, S. 8 Note 4.

⁵ Chullin 63a.

Judentum keineswegs, wie behauptet wurde, unter fremdem Einfluß entstanden.¹

5. Das Gottvertrauen. Die stoische Philosophie ist religiös und darum optimistisch. Der stoische Weise lernt zwar resignieren und auf das Wertlose verzichten, aber er hat bei alledem ein fröhliches Herz, weil er auf Gott vertraut. In einem schon zitierten Ausspruche Epiktets heißt es: „Wer mit dem Kaiser oder sonst einem Machthaber verwandt ist, hält sich für geborgen; wie viel mehr sollte uns der Gedanke, Gott zum Schöpfer, Vater und Versorger zu haben, alle Trauer und Furcht nehmen“. Der Weise vertraut auf Gott und ist frei von Sorgen. „Wenn ihr heute satt geworden seid, sitzt ihr da und jammert wegen des morgenden Tages, woher ihr essen sollt. Elender, hast du heute, so wirst du auch morgen haben. Hast du aber nicht, so gehe. Die Tür ist offen“.² Dieses fröhliche Gottvertrauen erfüllt auch die Bücher der Bibel und lebt in den Lehren der jüdischen Weisen fort. „Wer für heute zu essen hat und fragt: was werde ich morgen essen?, dem fehlt das Gottvertrauen“. „Wer Brot in seinem Korbe hat und fragt: was werde ich morgen essen?, der gehört zu den Kleingläubigen“.³ Von einer Entlehnung kann hier nicht die Rede sein. Wohl aber kann behauptet werden, daß das Gottvertrauen des jüdischen Frommen eine kraftvolle religiöse Überzeugung ist, während das Gottvertrauen des stoischen Weisen eine matte philosophische Reflexion bleibt. Dem Armen, der keinen Ausweg aus seiner Not findet, empfiehlt Epiktet am letzten Ende den Selbstmord: Hast du aber nicht, so gehe. Die Tür ist offen.

6. Die Leiden. Dem Glauben an die fürsehende Güte Gottes entspringt der Gedanke, daß die Leiden ein Erziehungsmittel und ein Zeichen göttlicher Liebe sind. Von den vielen Stellen in den Schriften der Stoiker soll hier nur das Wort Senecas angeführt werden: „Die also die Gottheit liebt, härtet sie ab, prüft sie, übt sie“. Derselbe Gedanke wird in der Bibel, in den Apokryphen und vielfach auch in der Agada ausgesprochen. „Heimsuchungen sind ein Beweis göttlicher Liebe“.⁴ Allein diese Übereinstimmung in der Auf-

¹ BERTHOLET a. a. O. S. 10, HOLTZMANN, Nt. Zeitgeschichte 1895 S. 229 (in der 2. Auflage gestrichen).

² Epiktet diss. I 9, 19.

³ Eleasar aus Modim, Mech. zu Ex 16, 4. Elieser b. Hyrkanos, Sota 48b. vgl. Mt 6, 30. 31. Lc 18, 28.

⁴ Seneca, de provid. 4. Eleasar b. Jakob, Mech. zu Ex 20, 33. Sifré zu Deut 6, 5.

fassung von den Leiden beruht keineswegs auf Entlehnung. Sie ist vielmehr in dem gemeinsamen Glauben an die Güte Gottes begründet.

7. Das Gleichnis vom Depositum. Was der Mensch hat, ist ihm von Gott verliehen worden. Das ist die Ansicht der stoischen Philosophen und der Glaube der jüdischen Frommen. In den Trostschriften der kynisch-stoischen Diatribe wird häufig ausgesprochen, daß das Leben und alle Erdengüter dem Menschen von Gott verliehen werden und mit Recht jeder Zeit zurückgefordert werden dürfen. In seinem Handbüchlein gibt Epiktet dem Trauernden folgenden Trost: „Sage nie von etwas: Ich habe es verloren, sondern ich habe es wiedergegeben. Dein Söhnchen ist gestorben? Du hast es wiedergegeben. Dein Weib ist gestorben? Du hast es wiedergegeben. Dein Landgut wurde dir entrissen? Auch dies ist wiedergegeben worden.“¹ In gleicher Weise tröstet Seneca einen um seine Kinder trauernden Freund: „Meine Kinder sind tot! Ja sie hatten einen, dem sie mehr zugehörten als dir. Bei dir weilten sie so, daß sie jeden Augenblick von dir gefordert werden konnten.“² Derselbe tröstende Gedanke findet sich — und zwar unabhängig von der Stoa — auch in der Agada. Jochanan b. Zakkai trauert über den Tod seines Sohnes. In dieser schmerzvollen Stunde tröstet ihn sein Schüler Eleasar b. Arach mit folgenden Worten: „Gestatte mir ein Gleichnis. Jemand hat vom Könige einen Gegenstand zur Aufbewahrung erhalten. In dem Gefühle der Verantwortlichkeit jammert er täglich: Wenn ich doch schon der Sorge um das mir anvertraute Gut glücklich ledig wäre! Auch du, o Meister, hattest einen Sohn, der in der Lehre bewandert war und der nun frei von Sünden aus der Welt geschieden ist. Solltest du nicht dem Troste zugänglich sein, nachdem du, was Gott dir zur Aufbewahrung gegeben, glücklich wiedergegeben hast?“ Denselben Gedanken, daß die Kinder, von Gott nur als Aufbewahrungsgut gegeben, im Tode ihm zurückerstattet werden, verwendet Beruria, um ihren Gatten im Schmerze über den Tod seiner beiden Söhne zu trösten.³

8. Der Genosse Gottes. Epiktet nennt den Zyniker „einen Teilhaber an der Herrschaft des Zeus“; dem Weisen verheißt er, daß

¹ Enchir 11.

² KICKH, Gott, Mensch, Tod, Unsterblichkeit. Blütenlese aus den Schriften des L. A. Seneca, Wien 1874, S. 83.

³ Ab. di R. N. 24. Midr. Mischle g. E.

er „ein würdiger Gast der Götter, ja ihr Mitherrscher“ sein wird. Seneca verkündet dem, der das höchste Gut ergreift, daß er anfangen wird, „der Genosse der Götter“ zu sein.¹ Den Titel „Mitarbeiter Gottes“ hat Paulus sich selbst und den Aposteln vorbehalten, die an dem Aufbau des Gottesreiches mitwirken.² Im jüdischen Schrifttum wird dieser Titel — sicher unabhängig von der Stoa und auch von Paulus — dem Richter verliehen: Der Richter, der gerecht richtet, wird ein „Mitschöpfer Gottes“. Aber auch von den Frommen heißt es, daß sie „mit dem Werke Gottes sich beschäftigen“.³ Alle, die Gutes tun und die Sittlichkeit fördern, setzen Gottes Werk fort.

9. Die Nachfolge Gottes. Wie in allen ethischen Religionen gilt auch in der Stoa Gott als vollkommenes Wesen und die Nachfolge Gottes als die erste sittliche Forderung. So schreibt Epiktet: „Was ist Gott gegenüber unsere Pflicht? Einfach ihm zu folgen“. Oder an einer anderen Stelle: „Wenn Gott treu ist, so müssen auch wir treu sein Wenn er wohlthätig ist, so müssen auch wir es sein. Ist er großmütig, so sollen auch wir so sein“. Seneca nennt den Guten einen „Nacheiferer Gottes“.⁴ Sowohl Aristeas als auch Philo fordern in gleicher Weise wie die Stoiker von dem Menschen, daß er Gott folge und ihm nachstrebe⁵; auch die jüdischen Weisen in Palästina ermahnen: „Lasset uns Gott gleichen! Wie er barmherzig und gnädig ist, so sei auch du barmherzig und gnädig“.⁶ Allein die Lehrer des Judentums haben diese sittliche Forderung keineswegs, wie einzelne annehmen wollten⁷, dem Griechentum entlehnt, sondern nur im Geiste des biblischen Gebotes aufgestellt: „Seid heilig, denn der Ewige euer Gott ist heilig“.

10. Die Sünde, aber nicht die Sünder. Von Seneca stammt das Wort: Das Beste ist, die Sünden aber nicht die Sünder auszu-

¹ Epiktet, diss. III 22, 95. Enchir 15. Seneca ep. 31.

² WERNLE, Anfänge unserer Religion S. 97.

³ Sabb. 10a. Midr. Schir haschirim r. Anf. LAZARUS, Ethik des Judentums I 15. 122.

⁴ Epiktet, diss. I 12, 5. 8. 20, 15. II 14, 13. Seneca de prov. 1.

⁵ Aristeas 42, 5–43, 1. Philo de caritate II 404.

⁶ Abba Saul, Mech. zu Ex 15, 2. Vgl. Sifré zu Deut 11, 22. Sifrá zu Lev 19, 2. Ebenso Mt 5, 48. Lc 6, 36. Auch der Islam stellt als ethisches Ideal auf, daß man sich bestrebe, in der Lebensführung die Eigenschaften Gottes zu betätigen. GOLDZIEHER, Vorlesungen über den Islam, S. 30ff. Note 1.

⁷ HOLTZMANN, Nt. Zeitgeschichte 1895. S. 226f. (in der 2. Auflage gestrichen). BERTHOLET a. a. O. S. 10 („vielleicht wenigstens“).

rotten.¹ Ihm wird auch die Sentenz zugeschrieben: Halte Frieden mit den Menschen und führe Krieg gegen die Laster.² Einst war R. Meir über das Treiben seiner bösen Nachbarn aufgebracht. Da sprach zu ihm sein Weib Beruria: . . . Heißt es denn: Vergehen sollen die Sünder? Es heißt doch: die Sünden Ps 104, 25. Bete für sie, daß sie Buße tun; dann gibt es keine Frevler mehr.³ — Seneca verdankt seine Sentenz gewiß nicht dem Judentum, aber auch Beruria, die Frau des jüdischen Weisen, hat ihren Gedanken nicht aus der stoischen Popularphilosophie geschöpft.⁴ Die Forderung, die Sünden aber nicht die Sünder zu verdammen, ist vielmehr in der Agada wie in der Stoa eine Konsequenz des Gebotes, in allem Gott nachzufolgen: Wie Gott gegen die Sünder langmütig ist, so sollen es auch die Menschen sein.

11. Richte nicht. „Richte nicht eher in einen anderem Gerichte, bis du selbst bei der Gerechtigkeit gerichtet worden bist“. Was Epiktet in diesem Ausspruch fordert, das verlangt auch Hillel in seiner Mahnung: „Richte deinen Nächsten nicht eher, bis du selbst in seine Lage gekommen bist“.⁵ Diese beiden übereinstimmenden Sentenzen sind voneinander unabhängig. Epiktet und Hillel schöpfen ihren Gedanken aus der allgemein menschlichen Erkenntnis, daß alle Menschen, der Richter wie der Gerichtete, in gleicher Weise Schwächen und Fehlern unterworfen sind.

12. Das sittliche Tun. Die stoischen Popularphilosophen und die jüdischen Frommen legen beide das Schwergewicht auf das sittliche Tun. Zeno oder ein anderer Stoiker verglich die Philosophie einem Obstgarten, in dem die Logik der Mauer, die Physik den Bäumen, die Ethik den Früchten entspricht. Wer nur auf das Studium sich verlegt, ist nach einem Worte Epiktets nur Philologe und nicht Philosoph.⁶ So sehr auch die jüdischen Weisen das Studium der Lehre hochhielten, in ihrer überwiegenden Mehrheit gaben sie dem sittlichen Handeln den Vorzug. „Jeder, dessen Wissen größer ist als sein Tun, gleicht dem Baume, der eine geringe Wurzel und ein reiches Gezweige hat

¹ Res optima est, non sceleratos extirpare, sed scelera. Vgl. BISCHOFF, Jesus und die Rabbinen, Leipzig 1905, S. 109.

² Pseudoseneca de moribus 34. Proverbia 45. Publilii Syri sententiae rec. WÖLFFLIN S. 122.

³ Berach. 10a.

⁴ BISCHOFF a. a. O.

⁵ Epiktet fr. 60. SPIESS, Logos spermaticos, Leipzig 1871, S. 91. Hillel, Ab 2, 5.

⁶ BARTH, Stoa 31.

und daher leicht vom Winde entwurzelt und umgeworfen wird“. „Die Übung guter Werke ist dem Studium vorzuziehen“. „Nicht das Studium sondern das Tun ist das Wichtigste“. In der Versammlung zu Lydda wurde zwar zum Beschluß erhoben, das Studium der Lehre sei wichtiger als das Tun, bezeichnend aber ist die Begründung, „weil das Studium zum Üben guter Handlungen führe“.¹

13. Die Versittlichung des Lebens. Die stoischen Philosophen und die jüdischen Weisen wollen auf das Leben einwirken. Bei beiden ist das Streben vorhanden, die Menschen und ihre Lebensart zu verbessern. Die stoische Popularphilosophie verwirft den Luxus. In seiner Diatribe über die Nahrung fordert Musonius, der Lehrer Epiktets, Einfachheit in der Lebensweise.² Als ein Stück der Lebensordnung des Philosophen Antoninus wird von seinem Biographen besonders die *humicubatio* hervorgehoben.³ Auch in den Lebensregeln der jüdischen Weisen wird Abhärtung und Einfachheit gefordert. „Iß Brot mit Salz, trinke Wasser mit Maß, schlafe auf der Erde und führe ein Leben der Mühsal“, das ist die rechte Weise, um in den Besitz der Gotteslehre zu gelangen.⁴ Mit besonderer Vorliebe wendet sich die kynisch-stoische Diatribe gegen die Athleten. Seneca protestiert gegen die Grausamkeit der Gladiatorenkämpfe und die entsittlichende Wirkung der Schauspiele.⁵ Auch die jüdischen Weisen verbieten den Besuch des Theaters und der Rennbahn; sie verbieten es aus religiösen Motiven, weil im Theater den Göttern gehuldigt wird, aber auch aus ethischen Gründen. „Wer in der Rennbahn sitzt, vergießt Blut“.⁶

14. Die Arbeit. Den stoischen Philosophen gebührt das Verdienst, die Arbeit von der Schmach, als ob sie eines freien Mannes unwürdig sei, befreit zu haben.⁷ Es lag eben in ihrem praktischen, auf die Versittlichung der Menschen gerichteten Streben, daß sie mit den anderen Lastern ihrer Zeit auch den Müßiggang ausrotten wollten. Aber auch das Judentum hat die Arbeit verherrlicht. Die jüdischen Weisen waren einfache Männer, die vielfach im Handwerk

¹ Eleasar b. Asarja, Ab 3, 17. Elischa b. Abuja, Ab. di R. N. 24. Jehuda b. Ilai, j. Chag. 76c. Simon b. Gamaliel, Ab. 3, 17. Kidd. 40b.

² WENDLAND, Philo und die kynisch-stoische Diatribe S. 12.

³ SACHS, Beiträge I 106.

⁴ Ab. 6, 4.

⁵ Sen. ep. 7, 2. 90, 45. WENDLAND a. a. O. 43.

⁶ Tos. Ab. z. 2, 1. j. Ab. z. 40a.

⁷ BONHÖFFER, Die Ethik des Stoikers Epiktet S. 73.

die wirtschaftliche Grundlage ihrer Existenz hatten. Schon das allein beweist, wie wenig berechtigt die Behauptung ist, die jüdischen Schriftgelehrten seien volksfeindlich und hochmütig gewesen. Viele von ihnen kamen in das Lehrhaus aus der Werkstatt, wo sie durch ihrer Hände Arbeit das Brot erwarben, und weil sie selber Männer der Arbeit und der Mühsal waren, standen sie bei den Mühseligen und den Beladenen.

Der Stoiker Kleanthes trug des Nachts Wasser in die Gärten, um sich am Tage philosophischen Studien widmen zu können. Von dem Tropaïcon, das er täglich durch Arbeit verdiente, verwendete Hillel die eine Hälfte für den Unterhalt seines Hauses, die andere Hälfte aber gab er dem Türhüter des Lehrhauses, um sich Zutritt zu den Vorträgen zu verschaffen.¹ Unter den naturgemäßen Dingen zählt Herillus die „Liebe zur Arbeit“ auf. „Liebe die Arbeit“, so lautet auch ein Wort Schemajas.² Den, der den Hunger fürchtet, redet Epiktet folgendermaßen an: „Kannst du nicht Wasser tragen, nicht schreiben, nicht Rinder hüten, nicht eine fremde Tür bewachen? Aber es ist schimpflich, in solchen Dienst zu treten. Lerne nur erst, was schimpflich ist, und dann nenne dich vor uns Philosoph“. Ähnlich ruft ein Lehrer des Judentums aus: „Ziehe ein totes Vieh auf dem Markte ab und empfang Lohn, aber sprich nicht: ich bin ein großer Mann, den die Arbeit herabwürdigt“.³

15. Die Ehe. Im Vergleich zum Neuen Testament zeigen die stoische Philosophie und das Judentum ein weit positiveres Verhältnis zur menschlichen Gesellschaft und eine größere Wertschätzung des menschlichen Gemeinschafts- und vor allem des Familienlebens. Nach Paulus ist an der Ehe etwas Unreines: Zölibat und Virginität stehen ihm höher als die Ehe. Paulus denkt in diesem Punkte weder wie ein stoischer Philosoph noch wie ein Rabbi. Denn der Stoiker Antipater ist der Meinung: „Wer nicht Weib und Kinder hat, entbehrt der lautersten Freude der Liebe“. Und ein jüdischer Rabbi lehrt: Wer ohne Weib ist, entbehrt der Freude, des Segens und des Trostes.⁴ Die Ehe ist eine soziale und sittlich wertvolle Einrichtung. Wer von der Ehe nichts wissen will, so schreibt Musonius, vernichtet für seinen Teil das Haus, die Stadt, das Menschengeschlecht. In

¹ BARTH, Stoa S. 126. Joma 35b.

² BARTH, Stoa S. 125. Ab. 2, 10.

³ Epiktet diss. III 26, 7. Baba bathra 110a.

⁴ Antipater bei Stob. flor. 3, 15. Jebam 62b.

gleichem Sinne äußern sich auch die Lehrer des Judentums: „Wer ehelos bleibt, verringert die Gottähnlichkeit des Menschen“. „Wer an der Pflicht der Fortpflanzung des Menschengeschlechtes nicht teilnimmt, ist gleichsam ein Blutvergießer.“¹

16. Kindliche Pietät. Die Liebe zu den Eltern gilt in der stoischen Philosophie als eine sittliche, in der jüdischen Religion als eine religiöse Pflicht. In einem besonderen Traktate über diese Frage entscheidet Musonius, der kindliche Ungehorsam sei nur dann Pflicht, wenn die Eltern dem Kinde etwas sittlich Verwerfliches empfehlen. Die Rücksicht auf die Eltern muß dann der Stimme Gottes weichen. Dieselbe Frage wurde auch im jüdischen Lehrhause erörtert und dahin entschieden, daß die Pflicht, die Eltern zu ehren, dann aufhöre, wenn sie von dem Kinde die Übertretung eines göttlichen Gebotes fordern, denn „ihr alle (Eltern und Kinder) seid verpflichtet, Gott zu ehren“.² Die Ehrfurcht vor den Eltern muß in einem solchen Falle der Liebe zu Gott weichen.

17. Das Verdienst der Väter. In der Stoa findet sich ein Begriff, der bis jetzt immer als ein spezifisch jüdischer gegolten hat: der Begriff vom „Verdienste der Väter“.³ Seneca sagt: „Was die Gottheit betrifft, so sieht sie wahrscheinlich dem einen um seiner Eltern und Voreltern willen manches nach, dem andern, weil aus seinen Enkeln und Urenkeln und späteren Nachkommen einmal Gutes werden wird“. Die Gottheit ist auf das Verdienst der Väter und auch auf das Verdienst der Kinder bedacht, die Menschen aber sollen darin der Gottheit nachstreben. „Der eine hat große Männer erzeugt, mag er sein, was er will, er hat Anspruch darauf, daß wir ihm Gutes tun, denn er hat solche uns gegeben, die wirklichen Anspruch darauf haben. Der andere ist von trefflichen Vorfahren entsprossen; sei er, wer er sei, die Seinigen seien ihm Schutz und Schirm.“⁴ Der Begriff von dem „Verdienste der Väter“ enthält ein abspannendes und ein anspornendes Moment. Während aber bei Seneca das entlastende Moment betont wird, tritt in der jüdischen Ethik das anspornende und verpflichtende Moment mehr in den Vordergrund. Das Verdienst der Väter legt den Kindern eine Verpflichtung auf; es gilt für die Kinder, wenn sie das Werk der Väter fortsetzen.

¹ Musonius bei WENDLAND a. a. O. S. 34. Eleasar b. Asarja, Elieser b. Hyrkanos Jebam 63b.

² Musonius bei SCHMIDT, Ethik der Griechen II S. 146. Jebam 5 b f.

³ LAZARUS, Ethik des Judentums I 28. 438.

⁴ Seneca de benef. 4, 32.

18. Selbsterhaltung und Nächstenliebe. Wie ein Mensch handeln soll, wenn eine Kollision zwischen der Pflicht der Selbsterhaltung und der Pflicht der Nächstenliebe eintritt, das wird sowohl in den Schulen der Stoiker als auch im jüdischen Lehrhause behandelt. Wenn bei einem Schiffbruche zwei gleich weise Männer dasselbe Brett ergreifen, um sich zu retten, so wird, wenn das Brett beide zu tragen nicht vermag, der dem Tode sich widmen, an dessen Leben am wenigsten liegt. Der wertvollere Mensch soll gerettet werden. So entscheidet der Stoiker Hecato.¹ Das gleiche Problem wird auch im jüdischen Lehrhause behandelt aber anders entschieden. Es reisen zwei in der Wüste, aber nur einer von ihnen ist mit Wasser versehen. Würde er sein Wasser mit seinem Reisegefährten teilen, so wäre es nicht genügend, um beide zu erhalten. Tränke er es allein, so wäre sein Gefährte unrettbar verloren. Ben Paturi entscheidet, keiner dürfe sein Leben retten und dabei das Leben seines Mitmenschen preisgeben. Es mögen also beide trinken und beide umkommen. Akiba dagegen meint, in einem Konflikt zwischen der Eigen- und Nächstenliebe sei das eigene Leben zu berücksichtigen.²

19. Der Mittelweg. Während in dem Schulbeispiel von der Kollision zwischen dem Gebot der Selbsterhaltung und der Pflicht der Nächstenliebe die Lehrer des Judentums anders entscheiden als die Philosophie der Stoa, wird in bezug auf das sittliche Handeln im allgemeinen von beiden die gleiche Regel vom Mittelweg aufgestellt. Als ein Gesetz des Handelns ergibt sich bei Panätius die Billigkeit, die das eigene Wohl und auch das Wohl des Nächsten berücksichtigt. Die Gerechtigkeit ist die Mitte zwischen der allgemeinen Liebe und der Eigenliebe. Ein ähnlicher Gedanke ist in dem Wahlspruch Rabbis enthalten: „Welches ist der gerade Weg, den der Mensch erwählen soll? Der Mensch handle so, daß sein Tun ihm selbst zum Ruhme gereiche, aber auch von den Menschen gerühmt werden solle“.³

20. Seid nicht wie die Diener. Der Gedanke, daß die gute Tat von Gott vergolten wird, ist der Stoa wie dem Judentum eigen. Er wurzelt bei beiden in dem Glauben an einen gerechten Gott. Aber von beiden wird auch die Forderung aufgestellt, daß der Mensch

¹ Zitiert bei CICERO off. III 15, 63. 23, 89. SCHMEKEL a. a. O. S. 295.

² Sifrá zu Lev 25, 36. Baba mezia 62b. Vgl. BACHER, Agada der Tanna-iten² I S. 60, Note 1.

SCHMEKEL a. a. O. S. 221. Rabbi, Ab 2, 1.

das Gute nicht um des Lohnes willen tun solle. Seneca lehrt: „Daran halte sich unser Sinn, wenn er nicht von seinem Ideale abirren will: nicht als Mietling trete er heran zu edlem Wirken“. „Das ist einer großen und edlen Seele eigen, nicht auf die Frucht der Wohltaten zu schauen, sondern auf diese selbst.“ Fast wörtlich stimmen in diesem Punkte die Aussprüche der jüdischen Weisen mit Seneca überein: „Seid nicht wie die Diener, die dem Herrn um des Lohnes willen dienen.“ „Heil dem, der an Gottes Geboten Gefallen hat, jedoch nicht an dem Lohn für die Erfüllung der Gebote.“¹

21. Der Mensch soll nicht schwören. In seinem Handbüchlein fordert Epiktet: „Den Eid vermeide, wenn es angeht, völlig; wenn das aber nicht angeht, so vermeide ihn, soweit es möglich ist“. Bei Marc Aurel, der vieles aus Epiktet schöpft, findet sich der Spruch, man solle keines Eides und keines Menschen als Zeugen bedürfen. Die Lehrer des Judentums haben zwar nicht wie die Essener den Eid unbedingt verworfen, aber auch sie haben gelehrt, man solle sich von dem Eide möglichst fernhalten. „Unsere Lehrer sprachen: Es ist nicht gut, daß der Mensch selbst für die Wahrheit schwöre.“ „Das Sprichwort lehrt: Ob schuldig oder unschuldig du sollst nicht schwören“.²

Ein angeblicher Spruch Senecas besagt, die schlichte Aussage solle als eben so unverletzlich gelten wie der Eid. Ebenso lehrt ein jüdischer Weiser: Nein und Ja sollen wie ein Schwur gelten.³

Es soll hier nicht untersucht werden, ob Epiktet unter dem Einflusse der Pythagoreer oder, was weniger wahrscheinlich ist, unter dem Einflusse Jesu das Vermeiden des Schwures gelehrt hat.⁴ Sicher ist, daß die Lehrer des Judentums in ihren Ermahnungen, man solle sich von dem Eide fernhalten, von den Stoikern unabhängig sind. Die Lehrer des Judentums fordern das Vermeiden des Eides in erster Reihe aus religiösen Gründen — der Gottesname ist ihnen ein Heiligtum, das nicht mißbraucht und entweiht werden darf —, die Stoiker dagegen aus ethischen Motiven und zwar, weil sie die Pflicht der Wahrhaftigkeit streng auffassen.

22. Die Reinheit des Körpers. Die Pflicht, den Körper rein zu

¹ Seneca de benef. 4, 25. 1, 1. Antigonos aus Socho, Ab 1, 3. Elieser b. Hyrkanos, Ab 2. 19a.

² Epiktet Enchir. 33, 5. Marc Aurel 3, 5. Tanch. zu Wajikra g. E. j. Schebuot 37 b.

³ ZAHN a. a. O. S. 43 Note 33. Eleasar b. Pedath, Schebuoth 36a.

⁴ ZAHN a. a. O. S. 33. 43 Note 33.

halten, begründet Epiktet mit der Verwandtschaft der Menschen mit Gott. Ähnlich sagt Hillel zu seinen Schülern: Wie die Königsbilder im Theater und im Zirkus reingehalten und von dem abgespült werden müssen, dessen Obhut sie anvertraut sind, so ist auch das Baden des Körpers eine Pflicht für den Menschen, der im Ebenbilde Gottes erschaffen worden ist.²

23. Die Seele ein Gast. Wie Epiktet dieses Leben mit dem Aufenthalt in einer Herberge vergleicht, so heißt es auch in einem Worte der Agada: diese Welt ist deine Herberge, die zukünftige aber das Wohnhaus.³ In der stoischen Popularphilosophie kehrt das Bild Senecas oft wieder: Was ist die Seele des Menschen anderes als ein im menschlichen Leibe gastweise wohnender Gott. Im Geiste dieser Popularphilosophie wirft Hadrian vor seinem Tode die Verse hin:

„Du rastloses reizendes Seelchen mein
Des Leibes Gast und Kamerad“.

In einem Gespräche mit seinen Schülern nennt auch Hillel die Seele einen Gast im Körper. Man müsse, so sagt er, dem Gaste Liebe erweisen, denn heute weilt die Seele noch im Körper, morgen ist sie nicht mehr hier.⁴

24. Einen Tag vor dem Tode. Der Mensch soll an den Tod denken und edel leben lernen. Dieser Gedanke findet sich in der Stoa und von ihr unabhängig auch im Judentum. In einem Briefe schreibt Seneca: „Erweise doch dieses deiner Seele vor dem Tage deines Todes: laß deine Fehler in dir gestorben sein“. Und gewissermaßen als Erklärung dieses Ausspruches darf eine andere Stelle in den Briefen Senecas gelten: „Man richte jeden Tag so ein, als ob er die Reihe schlosse, als ob er die Summe der Tage voll machte“. Ähnlich lautet ein Wort des R. Elieser b. Hyrkanos: „Tue Buße einen Tag vor deinem Tode“. Als R. Elieser von seinen Schülern gefragt wurde, ob denn der Mensch den Tag seines Todes vorher wissen könne, gab er ihnen zur Antwort: Um so eher wird der Mensch Buße tun, denn vielleicht stirbt er schon am nächsten Tage. So wird er alle seine Tage in Buße verbringen.⁵

² Epiktet diss. IV 11, 2. Hillel, Lev. r. c. 34.

³ Epiktet diss. I 24, 14. Mo'ed katon 9b.

⁴ Seneca bei PFLEIDERER, Vorbereitung des Christentums in der griechischen Philosophie, Halle 1904, S. 55. Hadrian bei DEISSMANN, Licht vom Osten S. 210, Note 2. Hillel Lev. r. c. 34.

⁵ Sen. ep. 27. ep. 12. Ab 2, 10. Ab di R. N. 15.

25. Besser als die Unsterblichkeit. Dem sittlichen Leben wird in der stoischen Philosophie der höchste Wert zugeschrieben. „Ein Tag, sittlich gut und nach deinen Lehren, o Philosophie, zugebracht, ist einer sündenvollen Unsterblichkeit vorzuziehen“. Noch schärfer wird derselbe Gedanke in dem Worte eines jüdischen Weisen ausgesprochen: „Besser ist eine Stunde in dieser Welt, mit Buße und guten Werken verbracht, als alles Leben der kommenden Welt“.¹

26. Das Ideal des Weisen. Die Verwandtschaft zwischen der Stoa und dem Judentum zeigt sich auch in dem Ideal des Weisen, das sie beide aufstellen. Der Weise nach dem Sinne der Stoa ist genügsam. Als Epiktet gefragt wurde, wer unter den Menschen reich sei, antwortete er: Der Genügsame. „Weise ist, wer sich nicht darüber ärgert, was er nicht hat, sondern damit sich freut, was er hat“. Ebenso lehrte Simon b. Zôma: „Reich ist, wer sich mit seinem Teil freut“.² Der stoische Weise ist demütig. Die Philosophie, so schreibt Seneca, ist kein Schaustück, die Menge zu gewinnen, noch ein Mittel zur Selbstverherrlichung. Auch im Judentum wurde von dem Weisen vor allem Demut gefordert: „Mache die Lehre nicht zu einer Krone, um dich damit groß zu machen“.³ Der stoische Weise ist der rechte König.⁴ Seine höchste Tugend ist die *ἀπάθεια*. Er ist frei von allen Leidenschaften und Begierden, frei von Haß gegen seine Beleidiger; er ist sanftmütig, nachsichtig und verträglich. Dieselben Tugenden werden auch im Judentum von dem Weisen gefordert. Den, der sich mit der Thora beschäftigt, kleidet sie mit Demut und Gottesfurcht. Sie entfernt ihn von der Sünde und nähert ihn der Tugend, gewährt ihm königliche Würde . . ., macht ihn sittlich, langmütig und vergeßlich gegen alle Beleidigungen und erhebt und trägt ihn über alle Dinge.⁵

II.

Zwischen der stoischen Popularphilosophie und der jüdischen Frömmigkeit besteht eine gewisse Verwandtschaft. Aber es gibt zwischen beiden auch viele und tiefgreifende Differenzpunkte.

Man hat den Stoizismus eine religiöse Philosophie genannt. So

¹ Cicero Qu. Tusc. 52. Jakob, Ab 4, 17.

² Epiktet fr. 172. 129. bei Spieß a. a. O. S. 369. Ab 3, 1.

³ Seneca ep. 16. Zadok, Ab 4, 5.

⁴ BARTH, Stoa S. 159.

⁵ Epiktet diss. II 22, 36. Ab 6, 1, vgl. GRÄTZ, Geschichte der Juden³ IV 178.

religiös er auch sein mag, eine Philosophie bleibt er doch. Trotz vieler Stellen bei Epiktet und Seneca, die der Geist warmer und reiner Religiosität durchweht, entbehrt die stoische Popularphilosophie im ganzen der starken religiösen Kraft, die der jüdischen Frömmigkeit eignet. Der stoische Weise bleibt im Grunde der Verwandte der griechischen Philosophen, während der jüdische Fromme ein Nachkomme der gottbegeisterten Propheten ist. Dem Hungernden eröffnet Epiktet als letzten Ausweg aus seiner Not den Selbstmord, einen Ausweg, den die jüdische Frömmigkeit als einen Mangel an Gottvertrauen und irreligiös empfunden hätte.

Trotz seiner späteren theistischen Färbung bleibt der stoische Gottesbegriff pantheistisch: Gott ist in der Welt, er ist eins mit der Natur. Die jüdische Frömmigkeit dagegen hält an einem persönlichen Gott fest, der über der Welt ist. Es ist aber gerade dieser Glaube an den persönlichen Gott, der der jüdischen Frömmigkeit Kraft und Wärme verleiht. Auch die Stoiker nennen Gott den Vater der Menschen, aber im stoischen Denken schließt diese Vaterliebe Gottes keineswegs wie im Judentum den Menschen persönlich in ihr Herz, daß er, unter dem Schutze Gottes sich geborgen fühlend, mit frohem Herzen das Leid des Lebens ertragen könnte.

Auch zwischen der jüdischen und der stoischen Ethik besteht ein tiefgreifender Unterschied. Im Judentum ist der Glaube an Gott der Quell des sittlichen Handelns, in der Stoa dagegen ist es die Vernunft, das Wissen, die richtige Überzeugung von dem Wert der Dinge. Das Judentum lehrt: Tue das Gute, denn Gott will es; die Stoa dagegen: Tue es, weil die Vernunft und die Natur- und Weltordnung es fordern. Für den stoischen Philosophen ist das Gute das Naturgemäße, für den jüdischen Frommen ist das Gute ein göttliches Gebot.

Die Sünde ist in der jüdischen Frömmigkeit die Übertretung des göttlichen Gebotes, in der Stoa dagegen bedeutet das Wort *ἀμαρτία* eine Abweichung von dem Pfade der Vernunft aus Unwissenheit. Die Sünde ist den Stoikern kein religiöses Problem. Sie wissen nichts von dem zerknirschten Herzen und dem demütigen Gebet des Sünders um Vergebung. Unter den stoischen Attributen Gottes fehlt die sündenvergebende Barmherzigkeit.

Die jüdische Frömmigkeit preist das Mitleid mit dem Bedürftigen. „Solange du der Menschen dich erbarmst, wird Gott deiner sich erbarmen“. Epiktet dagegen verbietet das Mitleid, Seneca nennt es

eine Schwäche. Das Ideal des Stoikers ist die Seelenruhe, die von keinem Affekt und auch nicht vom Mitleid gestört wird.¹

Der stoische Weise ist schmerzlos, er fordert im Schmerz Resignation und Abhärtung gegen alle Leiden. Der jüdische Fromme trägt die Schmerzen mit innerer Freude, er fordert Gottvertrauen und Hoffnungsfreudigkeit und preist Gottes Liebe, die sich auch in den Heimsuchungen kundgibt.

Der jüdische Fromme will Gott nachstreben, aber er bleibt sich ewig des weiten Abstandes zwischen Gott und dem Menschen bewußt. Dem stoischen Weisen fehlt die tiefe Demut, die der Religiosität eigen ist. Epiktet wagt den Ausspruch: „Du bist ein Gott, o Mensch“. Seneca schreibt von dem Weisen: „Alle Jahrhunderte müssen ihm dienen wie einem Gott“. Oder noch mehr: „Es ist etwas, worin der Weise Gott übertrifft. Dieser dankt es der Natur, daß er nichts fürchtet; der Weise dankt es sich selbst“.²

Die jüdische Frömmigkeit und die stoische Popularphilosophie weisen viele Berührungs- aber auch viele Differenzpunkte auf. Wo eine Übereinstimmung in der Lehre und in der Lebensauffassung besteht, dort darf noch nicht auf ein Abhängigkeitsverhältnis geschlossen werden. Vereinzelte Gedankensplitter wie der Vergleich Gottes mit der Seele, der Vergleich der Seele mit einem Gast, der nach seiner himmlischen Heimat zurückstrebt, das Problem von der Entstehung der Seele, vielleicht auch das Wort von dem Mittelweg sind aus der griechischen Umgebung in das jüdische Lehrhaus gelangt. Nichts aber rechtfertigt die Behauptung, daß die Zentralgedanken der jüdischen Frömmigkeit wie der Gedanke der Vorbildlichkeit Gottes und der Glaube an eine gütige Vorsehung stoischen Ursprungs sind.

Es lassen sich keineswegs beträchtliche Einflüsse der stoischen Popularethik auf die jüdische nachweisen. Die Verfeinerung und Bereicherung der Ethik des Spätjudentums ist selbständig und nicht unter hellenischem Einfluß erfolgt. Die griechische Art des Denkens und der Begriffsbildung und die ethischen Definitionen der Stoa bleiben dem palästinensischen Judentum fremd. So viel fremde Elemente auch das Judentum aufnimmt und verarbeitet, der eigene Geist und die Schöpferkraft, die in ihm leben und auf religiösem und ethischem

¹ j. Baba kama 6c. Test. Zeb. 8. Epiktet diss. III 22, 13. Seneca de clem. 2, 5

² Epiktet diss. II 17, 33. Seneca de brevitate vitae 15. ep. 53.

Gebiete fortwirken, dürfen nicht unterschätzt, noch weniger völlig negiert werden.

Die jüdische Frömmigkeit verhält sich zur stoischen Philosophie wie der Prophet zum Philosophen. Sie haben beide viele verwandte Züge, aber in ihrem innersten Wesen sind sie verschieden.

Der Idealtypus des Griechentums ist der Philosoph, der Idealtypus des Judentums der Prophet. Griechentum und Judentum, Philosoph und Prophet treffen in Alexandrien zusammen und verschmelzen zu einer Einheit; die Juden in Alexandrien blicken zu Moses und Plato mit gleicher Verehrung empor. Prophet und Philosoph schließen auch im Christentum einen Bund, der von den Kirchenvätern geweiht wird. Die Kirchenväter haben nach einem Worte Harnacks das Testament der Antike, das aus Griechenland stammte, mit dem Testament des Judentums und mit dem Urchristentum zu einer Einheit verbunden. In Palästina widerstrebt die jüdische Frömmigkeit der Verbindung mit der griechischen Weisheit, der Prophet wendet sich von dem Philosophen ab und baut aus eigener Kraft seine Gedankenwelt auf. In der jüdischen Religionsphilosophie des Mittelalters findet eine erneute Auseinandersetzung zwischen dem jüdischen und dem griechischen Geiste statt, zwischen dem Propheten und dem Philosophen. Judentum und Griechentum, Prophet und Philosoph haben die europäische Kultur geschaffen.

Damit ist unsere Untersuchung zu Ende. Sie soll als bescheidenes Zeichen der Verehrung für den Mann gelten, der uns mit gleicher Meisterschaft die Gedankenwelt der Philosophen wie der Propheten verstehen gelehrt hat und in seinem Wesen und in seiner Weltanschauung eine harmonische Verbindung beider Idealgestalten, des Propheten und des Philosophen, darstellt.

2.

Les rapports entre le rabbinisme et la philosophie stoïcienne

Armand KAMINKA

On n'a pas pris au sérieux l'affinité que Josèphe constate entre les doctrines des Pharisiens et celles des Stoïciens. Quelques savants ont cependant découvert, comme M. Bertholet, une influence de la Stoa sur le Judaïsme ultérieur, et J. Bergmann a montré, dans une étude sur « la philosophie stoïcienne et la piété juive »¹, un certain nombre d'idées et de notions communes. En traduisant en hébreu les *Pensées* de Marc Aurèle², j'ai été frappé par la ressemblance de quelques idées avec celles de Tannaïtes contemporains ou antérieurs (citées souvent dans mes notes ou mentionnées dans l'Introduction au livre). La liste des textes parallèles et parfois des antithèses se rencontrant dans les deux littératures augmentait de plus en plus au cours de ma traduction en hébreu, inédite encore,³ d'une grande partie des Dialogues et des Lettres de Sénèque. La question des influences mutuelles m'a paru compliquée, et je crois que le mieux est pour l'instant de classer par ordre chronologique, sous le nom de leurs auteurs, les passages dont il s'agit dans la littérature rabbinique — on en trouvera sûrement d'autres encore — et de noter les sentences stoïciennes qu'elles rappellent. En les examinant, on trouvera que trois explications sont possibles : 1° la sagesse rabbinique a pu faire des emprunts aux écrits des

1. *Die stoische Philosophie und die jüdische Frömmigkeit*, dans *Judaica*, Festschrift zu Herm. Cohens 70. Geburtstag, 1912, p. 145-166.

2. רעיונות מרקוס אבריליוס הסטויקי, Varsovie, 1923, chez Szybel.

3. Deux dialogues seulement, *De Providentia* et *De Tranquillitate animi*, ont paru dans la revue *Hatoren*, New-York, 1923.

philosophes ou aux discours des rhéteurs grecs et romains en Syrie ; 2^o ceux-ci auraient recueilli (par voie indirecte) des idées propagées par les Pharisiens ; 3^o la coïncidence est fortuite et montre comment l'esprit humain, par des voies différentes, arrive à une manière identique d'envisager les choses. Le plus souvent il est difficile de décider pour l'une ou l'autre solution, mais parmi les exemples qui suivent, il en est quelques-uns où le rapport entre les deux sources — qu'il s'agisse d'emprunt ou de polémique — est presque évident.

I

IDÉES GÉNÉRALES ET SENTENCES DE L'ÉPOQUE AVANT HILLEL

Inutile ici d'exposer en détail les idées religieuses sur Dieu, l'âme, le monde, la vertu, l'humanité, la justice, la clémence, l'origine biblique de ces idées chez les docteurs d'Israël étant certaine. Ils n'ont pas eu besoin d'apprendre de quelque philosophe grec ou romain, par exemple, que « rien n'échappe à la connaissance de Dieu » ou que « le monde entier est un temple de Dieu » (« Deos, quorum notitiam nulla res effugit ; « totus mundus deorum immortalium templum est », Sénèque, *De beneficiis*, V, 25,4 ; VII, 7, 3), ou que « la vertu en elle-même est le bien suprême, non la cause de quelque bien, et qu'il est indigne même de la mettre en relation avec la volupté, qu'elle méprise » (*ib.*, IV, 2, 4). *Antigone de Sokho* qui demande lui aussi (*Abot*, I, 3) qu'on serve le Maître céleste sans attendre de récompense, s'inspire des Psaumes. D'un autre côté il est invraisemblable que les philosophes stoïciens (même Marc Aurèle au II^e siècle), en parlant d'un Dieu unique et de l'unité du genre humain, s'inspirent *directement* des prophètes ou des Psaumes. Mais Zénon de Chypre, fondateur de l'école stoïcienne, et plus tard Diogène le Babylonien (de Séleucie sur le Tigre), qui vint à Rome au temps des Macchabées, ainsi que Théophraste, pouvaient bien utiliser les idées morales élevées répandues alors parmi les adeptes du judaïsme en Babylonie, en Egypte et en Palestine. C'était un contemporain et un compatriote de Zénon,

que ce péripatéticien Cléarque de Soli¹ qui racontait, d'après Josèphe (*C. Apion*, I, 22), au sujet de son maître Aristote, comment un philosophe juif en Syrie lui avait communiqué une partie de sa sagesse.

Parmi ces idées générales il suffit de rappeler l'optimisme biblique : « Dieu examina tout ce qu'il avait fait, c'était éminemment bien », qui se retrouve chez les Stoïciens (Sénèque, *De Consolatione ad Helviam*, 8, 4 : « Mundus hic quo nihil neque maius neque ornatius rerum natura genuit »), la dignité de l'homme (fait « à l'image de Dieu », et chez Sénèque, *Ep.* 92,4 : « deos aequat », « dei pars est »), la passion de la vertu, l'unité du genre humain, par conséquent, l'indifférence à l'égard de la patrie et, s'il le faut, la résignation à l'exil (« un exilé n'est pas à plaindre, puisque les deux choses les plus magnifiques le suivent partout : la nature et sa propre vertu », *Helv.*, 8,2).

Quant aux sentences de sagesse pratique du Traité d'*Abot* antérieures à Hillel, deux d'entre elles me semblent rappeler par leur forme les réflexions du philosophe populaire romain (puisées si souvent à des sources antérieures) :

1. *Josué ben Perachia* dit (I,6) : « Juge chaque homme de la façon la plus favorable ! » (Comp. les différents récits qui s'y rattachent, *Sabbat*, 127 b). — Sénèque, *De Ira*, II, 22, 3-4 : « Ne sint aures criminantibus faciles... Itaque agenda est contra se causa absentis et in suspenso ira retinenda »².

L'autre conseil de Josué b. P., cherche-toi un maître (עשה לך רב) est curieux comme le contraire de ce que conseille le moraliste romain : « Il faut acquérir une science solide, dit-il, de façon à ne pas dépendre toujours du maître (totiens respicere ad magistrum) ; Zénon dit ceci, Cléanthe cela » (*Ep. mor.*, 33,8).

1. De Chypre ; voy. Reinach, *Textes*, p. 10.

2. Je cite d'après l'édition Haase (Teubner), 1892.

II

HILLEL ET SON ÉCOLE

2. On peut regarder comme l'œuvre des savants du temps d'Hillel l'ordre des bénédictions dans la prière quotidienne *Schemoné Esré*. M. Israël Lévi ¹ a conclu avec raison des ressemblances avec les Psaumes de Salomon que les « dix-huit bénédictions » ont été composées à l'époque de la prise de Jérusalem par Pompée. Mais il n'est pas nécessaire de les dater d' « avant l'année 63 ». La morale supérieure de l'école d'Hillel et son désintéressement absolu tant de la politique que du sacerdoce, expliquent assez la sérénité qui règne dans le *Schemoné Esré*. Il est cependant possible que l'ordre *fixe* n'ait été introduit que du temps de Gamliel II. Nous trouvons après les trois bénédictions de louange :

Au n° 4 : Gratifie-nous de l'intelligence, de la raison ;

Aux n°s 5-7 : Ramène-nous à ta loi ; pardonne-nous nos fautes ; considère notre misère et défends-nous ;

Au n° 8 : Guéris-nous, o Éternel.

La Baraita, *Megilla*, 17 b, explique : La demande de l'intelligence devait suivre immédiatement la glorification de Dieu (*Kedouscha*) ; la 5^e bénédiction se rattache à la 4^e en raison du mot d'Isaïe, VI, 10 : « que son cœur comprenne et qu'il s'amende et soit guéri (sauvé) ». — Pourquoi donc n'a-t-on pas ajouté de suite : *guéris-nous* ? — Parce que לרפא ne signifie pas ici la guérison (du corps), mais le *salut* (de l'âme).

Sénèque dans ses *Épîtres morales* propose à Lucilius le même ordre des prières à prononcer devant les dieux : « *Roga bonam mentem, bonam valitudinem animi, deinde tunc corporis* ». (*Ep.*, 10, 4).

3. C'est la gloire de Hillel dans la légende que personne ne soit jamais arrivé à le mettre en colère (*Sabbat*, 32). — C'est en cette vertu que Sénèque voit le signe caractéristique de la grandeur d'un homme. « *Nullum est argumentum magnitudinis certius, quam nihil posse, quo instigeris, accidere* » (*De Ira*, III, 6, 1).

4. Hillel dit, *Abot*, II, 5 : « Ne juge jamais ton camarade, avant

6. *Revue*, XXXII, 177.

que tu te sois trouvé à sa place». Sénèque emploie presque les mêmes mots à propos de la colère :

De ira, III, 12, 3 : « *Eo nos loco constituamus, quo ille est, cui irascimur* ».

5. Hillel : « Ne dis pas : lorsque je serai libre, je m'occuperai des études ; tu n'auras peut-être jamais la liberté » (*Ibid.*, II, 5).

Sénèque : « *Ne cum vacaveris philosophandum est ; omnia alia negligenda sunt, ut huic adsideamus* », *Ep.*, 72, 3. — De même Marc Aurèle, XI, 7 : « Ce qui est le plus évident, c'est qu'aucun moment de ta vie ne conviendra mieux pour la recherche de la sagesse que précisément ta situation actuelle ».

6. Un jour, en route, Hillel entendit de loin le bruit de lamentations (קול צוהה) en ville. Il s'écria : « Sûrement cela n'a rien à faire avec ma maison ! » *Berachot*, 60 b. Sur ce récit fut fondée la Mischna *Ber.*, IX, 3 (voy. mon analyse de ce passage dans *Hazoté*, IX, 1925, p. 36) ¹. Il est évident que la source de cette « ataraxie » était pour lui le psaume cxii, et non la philosophie grecque. Il est cependant possible que sa tranquillité fût simplement la conséquence de sa pauvreté bien connue. Dans ce cas, le récit s'accorde entièrement avec Sénèque, *Ep.*, 17, 3, où, en parlant des avantages du pauvre, il ajoute : « Lorsqu'il entend un grand bruit cela ne le regarde pas ; quand il y a quelque lamentation, il ne s'agit pour lui que de sortir, non d'emporter quelque chose ». *Cum classicum cecinit*, scit non se peti ; *cum aliqua conclamatio est* (= קול צוהה), quomodo exeat, non quid efferat, quaerit. — Une réflexion pareille se lit chez Epictète, *Enchir.*, XVIII : « Si un corbeau par son croassement présage un désastre... dis : cela ne me concerne pas ».

7. On peut regarder comme une des règles de l'école d'Hillel ce que la Mischna (*Ber.*, IX) énonce : « Il faut prononcer une bénédiction à propos d'un malheur, aussi bien qu'à l'occasion d'un bonheur » ². — Même idée chez les Stoïciens. Marc Aurèle dit ³ : « Ne dis pas : quel malheur, telle chose m'est arrivée ! mais : quel bonheur ! puisque malgré ce qui est arrivé, je suis sans chagrin, etc. »

8. M. Aurèle, en faisant l'éloge d'un de ses précepteurs, Apollonius, dit (I, 8) : « C'est de lui que j'ai appris comment on peut être très

1. « Il n'appréhende pas de mauvaise nouvelle » (v. 7).

2. חייב אדם לברך על הרעה כשם שכברך על הטובה

3. *Pensées*, IV, 49 ; trad. hébr. p. 31.

rigide et indulgent». C'est ce que la Mischna cite comme règle de conduite du père de R. Gamliel : **לאחרים ומקל לעצמו ומקל לאחרים**.

9. Le mot de R. Simon b. Gamliel, qui reçut son éducation dans les cercles des savants, *Abot.*, I : « Ce n'est pas la discussion qui est importante, c'est la conduite pratique (ou : l'action morale) », **לא המדרש עיקר אלא המעשה**, ressemble beaucoup au mot de Sénèque, *Ep.*, XX, 2 : « *facere docet philosophia, non dicere* », et *Ep.*, XVI, 3 : (philosophia) non in verbis sed in rebus est ¹.

III

AUTRES TANNAÏTES DES DEUX PREMIERS SIÈCLES (sauf R. Méïr)

R. Josué b. Hanania

10. A la question de R. Yohanan b. Zakaï : « Que faut-il chercher avec le plus grand zèle? » il répond : « Un bon camarade » ².

Sénèque, *Ep.*, 99, 3, dit que la plus grande perte est celle d'un ami : « *Damnorum omnium maximum est, si amicum perdidisses* »

Nahum de Gimzo

11. On racontait de lui qu'il avait l'habitude de dire à propos de tout événement, même le plus désagréable : « C'est sûrement pour notre bien ! **גם זה לטובה** » ³ (C'est de lui que R. Akiba prit la même habitude).

Sénèque, *De ira*, II, 27, 2 : « *Nihil ergo horum in nostram iniuriam fit, immo contra nihil non ad salutem* ».

R. Akiba

12. Se trouvant un jour avec ses collègues près de la ville de Rome, ceux-ci se mirent à pleurer (émus par la pensée que Jérusalem était détruite). R. Akiba, par contre, se mit à rire. D'après *Makot*, 24 b, il explique son humeur joyeuse par la réflexion : « Si Dieu accorde aux malfaiteurs tant de prospérité, quelle sera un jour

1. Cité dans mon Introd. à M. Aurèle, p. xvi. — M. Posner, dans sa critique, *Monatsschr.*, 1924, suppose que **בדעה** signifie ici la pratique religieuse, mais déjà la connexité avec le précédent éloge du silence montre qu'il s'agit de l'activité en général.

2. *Abot*, II, 9.

3. *Taanit*, 21.

la récompense de ceux qui accomplissent sa volonté ! » — Mais le contraste dans ce récit ¹ entre les larmes des uns et le rire des autres est mieux expliqué, si nous nous rappelons ce que les Stoïciens racontaient de *Démocrite* et d'*Héraclite*. Celui-ci trouvait toutes les affaires humaines misérables et avait l'habitude de pleurer ; celui-là les regardait simplement comme ineptes, et s'en moquait. Sénèque, en racontant cela, *De Tranqu.*, XV, 2, ajoute qu'il vaut cependant mieux rire que pleurer sur la vie : *Humanius est deridere vitam quam deplorare*. C'était aussi l'avis de R. Akiba.

13. Sa doctrine sur le destin et la liberté morale de l'homme, *Abot*, III, 15, *הכל צפוי והרשות נחונה*, est identique avec la combinaison de l'influence du destin et du libre arbitre que, d'après Josèphe (*Ant.*, XVIII, 1, 3), enseignent les Pharisiens. De même chez les Stoïciens la destinée (*σιμαρμένη*) n'est pas en contradiction avec la responsabilité morale de l'homme.

14. R. Akiba, en visite avec ses collègues chez leur vénéré maître R. Eliézer, gravement malade, après que les autres eurent exprimé leur sympathie au souffrant, commença à développer une idée originale : « Les souffrances sont un don précieux, une distinction, un avantage, un privilège ! » ². Le malade, qui était couché, se dressa tout à coup pour bien entendre comment le disciple sagace prouverait à l'aide de la Bible cette doctrine, qui évidemment n'était pas vulgaire. (*Sanhédrin*, 101 a ; *Sifré Deuter.*, vi, 5 ; plusieurs Tannaïtes rapportent cette idée ; R. Eliézer b. Jacob cite *Prov.*, iii, 12 « Dieu punit celui qu'il aime ».) L'idée qui, d'une part, a sa source dans les Psaumes et les Proverbes se trouve, d'autre part, dans les ouvrages des Stoïciens. Sénèque, *Provid.*, IV, 4 : « Gaudet, inquam, magni viri rebus adversis ». — *Ib.*, 6-7 : « Calamitas virtutis occasio est... Deus, quos probat, quos amat, indurat, recognoscit, exercet ». — Marc Aurèle oppose l'être humain, à propos des souffrances, à toutes les créatures : « sa nature ne se gâte pas par les maux ; au contraire, il devient meilleur et plus digne d'éloge en faisant bon usage des accidents » (*καὶ καίρων γίνεται ὁ ἄνθρωπος, καὶ ἐπαινώτερος, ὁρθῶς χρώμενος τοῖς προπίπτουσιν*, *Pensées*, X, 33) ³.

1. Ainsi que dans un second récit pareil qui y est ajouté.

2. *הבייש יצא* ; comp. l'emploi qu'il fait de l'expression pour glorifier l'être humain et Israël, *Abot*, III, 14.

3. Ed. Stich (Teubner), 1903, p. 140 ; trad. hébr., p. 101.

Abba Saül

15. Il explique Exode, xv, 2 : « Voilà mon Dieu, je lui rendrai hommage. » — « Imite-le ; comme il est clément et miséricordieux, sois aussi clément et miséricordieux », *Sabbat*, 133 b¹.

Sénèque, *Ep.*, 95, 50 : « Vis deos propitiare? bonus esto. Satis illos coluit qui imitatus est »².

Ben Azzaï

16. « Un péché devient la cause d'un autre péché », עברה גוררת עברה, *Abot.*, IV, 2.

« Satis tibi est magna ad peccandum causa peccare » (Sénèque, *De ira*, I, 16).

Ben Zoma

17. « Qui est vraiment fort? celui qui maîtrise sa passion. » *Abot*, IV, 1. — Marc Aurèle : « Ce n'est pas la facilité de s'emporter par la colère qui distingue l'homme, mais la tranquillité de l'âme, et c'est celui qui possède cette qualité qui est vraiment digne et vraiment fort », *Pensées*, XI, 18 (Trad. hébr. p. 111).

« Qui est le vrai riche? celui qui est satisfait de ce qu'il possède » (*ib.*). — « Cui cum paupertate bene convenit, dives est ; non qui parum habet, sed qui plus cupit, pauper est. » Sénèque, *Ep.*, 2, 6.

Qui est très honoré? Celui qui honore les autres ; car (Dieu dit) : j'honorerai qui m'honore (I Sam., 2,30). Cf. Ovide, *Métamorphoses*, VIII, 724 : Cura pii dis sunt et qui coluere coluntur...

Elischa b. Abouya

18. « Il faut apprendre dans sa première jeunesse ; l'enseignement est alors comme de l'encre sur du papier neuf. Apprendre dans la

1. ואחורו interprété comme אפי' והוא ; mais il est possible aussi qu'il songe à l'adj. באור, convenable, et qu'il en déduise le sens : « accommode-toi à lui ». — M. Bergmann, *l. c.*, trouve un parallèle dans *De Provid.*, I, sur la ressemblance avec les dieux ; mais là c'est dans un autre sens : la nature de l'homme est comparée à la nature divine. Ici il s'agit d'imiter la clémence de Dieu.

2. Malgré la ressemblance frappante, on ne peut pas admettre un emprunt de la part de Sénèque (en supposant que la source d'Abba Saül soit antérieure, lui-même étant du II^e siècle), puisque dans la même lettre, § 47, il parle avec dédain de ceux qui vénèrent Dieu en allumant les lampes sabbatiques. Les rabbins, de leur côté, n'avaient pas besoin de source externe pour une idée nettement exprimée déjà par Jérémie, ix, 23, et Deuté., x, 17-20.

vieillesse, c'est écrire sur du papier usé ». *Abot*, IV, 20 (*Ab. de R. Nathan*, XXIV, בדמיון בלודותו דברי תורה גדול שמושה יותר בלימודה).

Sénèque dans sa lettre de consolation à sa mère Helvia, XVIII, 6 : « Altius praecepta descendunt quae teneris imprimuntur aetatis ».

R. Simon b. Yohai

19. « On apprend par la pratique (par les exemples des Maîtres) plus que par l'enseignement », גדול שמושה יותר בלימודה, *Berach.*, 7b

« Longum iter est per praecepta, brevis et efficax per exempla », *Sén.*, *Ep.*, 1.

R. Yosé

20. « Ce n'est pas le lieu qui honore l'homme, c'est l'homme qui honore le lieu ». *Taanit*, 21 b ; *Mekhilla*, Yitro.

« Minus honorato loco positus irasci coepisti ? Quid interest, quam lecti premas partem ? honestiorem te aut turpiorem potest facere pulvinus ? » *De ira*, III, 37, 4. Avec R. Yosé était en relation (sinon avec R. Yosé, disciple de R. Yohanan b. Zakkaï) le philosophe Areus, *Sifré Deut.*, I, 13.

R. Tarfon

21. « Le jour (de la vie) est court, le travail est long », *Abot*, II, 15. — Ancien mot grec (Hippocrate dans ses *Aphorismes*) : Ὁ βίος βραχύς, ἡ δὲ τέχνη μακρά, cité par Sénèque, *De brevitate vitae*, 1, 1 : « vitam brevem esse, longam artem ».

22. Il paraît que c'est en opposition à une maxime stoïcienne que R. Tarfon formule une autre règle, *Abot*, II, 16 : « Ne te soucie pas de l'achèvement de ton travail (לא עליך המלאכה לגמור), mais tu n'es jamais libre de le quitter. » Comparez la variante au nom de R. Joch. b. Dahabai (*Abot de R. Nathan*, XXVII, אל תרחק עצמך ממושה שאין לה קצבה וממלאכה שאין לה גמירה), où la double négation s'explique encore mieux comme contestation d'une autre doctrine. Celle-ci existait. Sénèque, *De Tranquillitate*, 6,5, avait en effet dit précisément le contraire : « Il faut t'occuper de choses que tu pourras mener à bonne fin ; abandonne le travail qui s'étend et ne cesse pas au terme projeté ! » (*Relinquenda, quae latius actu procedunt nec, ubi proposueris, desinunt.*)

R. Simon b. Eléazar

23. « N'apaise pas ton ami au moment où il est (le plus) irrité. » *Abot*, IV, 18. — Sénèque, *De ira*, III, 39, 2 : « Primam iram non audebimus oratione mulcere ; surda est et amens. Dabimus illi spatium ».

R. Yehouda ha-Nassi (Rabbi)

Mes arguments en faveur de l'identité de son ami *Antoninos* avec M. Aurèle (dans l'Introduction à mon édition hébraïque des « Pensées ») suffisent, je crois, pour écarter les autres hypothèses. Cette amitié du patriarche palestinien avec l'empereur philosophe, qu'il cite parfois formellement (« c'est Antonin qui m'a appris cela, et son opinion se trouve appuyée par un mot de la Bible », *Sanh.*, 91a) nous explique à elle seule quelques sentences, jusqu'ici obscures, de Rabbi. D'ailleurs la philosophie stoïcienne était à son époque déjà très répandue en Syrie par les rhéteurs.

24. Son mot, *Abot de R. Nathan*, XXVIII ; « Que ce qui est caché en toi te devienne clair, » יהי סתורך גלוי, reçoit quelque lumière de la sentence de Marc Aurèle, II, 8 : « On ne sera pas facilement malheureux parce qu'on néglige de savoir ce qui se passe dans l'âme des autres (τι ἐν τῇ ἄλλου ψυχῇ γίνεται), mais on tombe forcément dans le malheur, si l'on ne fait pas attention à ce qui se passe dans sa propre âme (τῆς ἰδίας ψυχῆς κινήματα).

25. Lorsqu'Antonin mourut, Rabbi prononça le mot : « Le lien est dénoué » נתפרדה החבילה, *Aboda zara*, 10 b. On a pris cela généralement dans le sens : « l'alliance a cessé » ; mais c'est une interprétation impossible. Ce n'est pas ainsi qu'on exprime son regret au décès d'un ami ; au contraire, on affirmerait plutôt que le lien sera maintenu par le souvenir. Puis, חבילה signifie un *faisceau* de choses réellement liées, et non une amitié idéale de deux personnages qui ne s'étaient effectivement rencontrés que pendant quelques jours. Mais le mot devient parfaitement clair à l'aide d'une pensée qui se trouve deux fois chez M. Aurèle. Il dit, X, 36, de la sérénité qu'il faut conserver en face de la mort : « Sépare-toi d'eux sans regret comme l'âme quitte tranquillement le corps ; c'est la nature qui t'a lié avec eux, et en ce moment elle te délie (ἡ φύσις συνήψε... ἀλλὰ νῦν διαλύει); je me délie d'eux (διαλύομαι)...sans contrainte, puisque la mort est une chose conforme à la nature. » — Il revient à cette idée à la dernière ligne de son livre, XII, 36 : « Va-t-en avec sérénité

(de la vie), puisque *Celui qui te délie* (ἀπολύων) est bienveillant. » C'est donc l'éloge du philosophe que le patriarche juif a prononcé d'une façon épigrammatique en faisant allusion à ses idées : il est mort dans cette sérénité de l'âme qu'il avait enseignée; *le lien physique s'est dénoué*. (Le livre de M. Aurèle, trouvé après sa mort, n'était pas encore connu, mais son appréciation des choses et ses principales idées avaient probablement été discutées entre lui et Rabbi.)

26. La règle que l'homme doit se choisir une voie honorable selon son propre jugement, mais *aussi selon le jugement des autres*,¹ *Abot*, II, 1, paraît formulée en opposition à la règle de M. Aurèle, V. 3 : « Ne prête jamais l'oreille au blâme des autres... Ils sont gouvernés par leurs motifs à eux, il ne faut pas en tenir compte. Va dans la voie droite, en obéissant seulement à ta propre nature, qui est commune à celle de l'univers ». Elle est aussi contre Sénèque, *De ira*, III, 41, 2 : « Conscientiae satis fiat, nil in famam laboremus. »

27. La prière quotidienne de Rabbi : « Sauve-moi des insolents... des hommes méchants... coreligionnaires ou non », *Berach.*, 16 b, trahit peut-être l'influence de Sénèque, *De ira*, II, 10, 7, et surtout de M. Aurèle, II, 1 (Chaque matin imagine-toi : je rencontrerai un individu arrogant, ingrat, insolent), mais les idées ne sont pas du tout identiques, comme le suppose S. J. Rapoport¹⁸. Les philosophes cités recommandent la bienveillance même pour ces gens, tandis que Rabbi demande à Dieu d'être préservé de leur contact.

R. Gamliel, fils de Yehouda ha-Nassi

28. Il rappelle (*Abot*, II, 2) que ceux qui se vouent aux intérêts publics profitent souvent du mérite de leurs ancêtres ; שְׂכָרָם מְבֹרָךְ מְסִייעָתָם.

Sénèque, *De beneficiis*, IV, 32, 1-2 : « Deos verisimile est, ut alios indulgentius tractent propter parentes avosque... Regnent hi, quia vir bonus quidam ante proavus eorum fuit, qui animum supra fortunam gessit ».

18. כל שהיא תפארת לעשיה יתפארת לו כן האדם.

19. Voy. Introduction à M. Aur., p. xvi.

IV

R. MÉIR ET SA FEMME BEROURIA

Nous consacrons à R. Méir un chapitre à part, non seulement parce que ses relations avec l'école des rhéteurs grecs sont connues et parce que les ressemblances de ses *dicta* avec ceux des Stoïciens sont nombreuses, mais encore pour une troisième raison, dont il sera question plus loin.

C'est d'abord comme élève du savant renégat Elischa b. Abouya qu'il eut l'occasion de faire connaissance avec les doctrines philosophiques étrangères. Mais aussi l'identification de son ami, le philosophe *Abnomos ha-Gardi* avec le rhéteur *Oenomaos de Gadra* ¹ est plausible. En tout cas, les méthodes et les formes de la rhétorique enseignées chez les Grecs depuis Aristote lui étaient familières. C'est par là qu'il savait charmer ses auditeurs de telle façon qu'une femme, admiratrice de son éloquence, retenue un vendredi soir par son discours, faillit être divorcée de son mari. Mais cette rhétorique spirituelle, qui se servait abondamment de fables, et qui aurait la tendance, bien connue dans les écoles, de persuader par les mots, « d'éveiller l'adhésion » aux jugements prononcés, *justes ou faux* ², devint cause de la méfiance des savants à son égard. Ils préféraient ne pas décider d'après ses opinions, n'étant jamais sûrs si ses arguments étaient définitifs. C'est probablement lui qui introduisit ce genre de rhétorique dans les écoles rabbiniques de Palestine, d'où il passa aux académies babyloniennes ³. Dans une étude sur

1. Graetz, *Geschichte*, IV, 469 ; Bacher, *Agada d. Tannaiten*, II, 31.

2. Aristote, *Rhétorique*, I, 2 : La rhétorique est « ἀδύναμις περὶ ἰκανότητος τοῦ θεωρητικοῦ τὸ ἐν ἐκείνοις περὶ ἀποφασίσαι » ; Denys d'Halicarnasse : « τὸ ἐλπίδι ἐκλογιστὸν τὸ εἰς ἰδέμεν ».

3. *Eroubin*, 13b, on vante son disciple Symmachos qui avait 48 façons de déclarer une chose pure, et 48 façons de la déclarer impure (c'était la méthode des sophistes). Une variante parle d'un disciple qui savait déclarer de 150 façons un insecte pur. Les deux chiffres sont fautifs. Pour 150 (י"ח), il faut lire 100 (ק'), comme jer. *Sanh.*, IV, 1 (22a) ; c'est une somme ronde pour $2 \times 49 = 98$. Il s'agit d'un midrasch qui nous est conservé dans *Schoher Tob* sur Ps., XII, 7-8, d'après lequel la prière pour être sauvé des gens forts par leur langue (לְשׁוֹנֵיהֶם) est dirigée contre les sophistes qui par 7×7 arguments justifiaient le mal, par contre, les paroles de Dieu sont nettes et sincères comme argent purifié 7×7 fois שְׁבַע שְׁבַע מוֹקֵק.

la composition des *Scheellot* de R. Ahaï¹ j'ai montré que ce livre est un recueil systématique de discours d'école, qui, comme les *מבטות* antérieures, s'occupent de questions fictives en appliquant les règles bien connues, et, entre autres, le genre *démonstratif* (*γένος επιδεικτικόν*) dont Cicéron, *De inv.*, I, 5, 7 dit : « Demonstrativum est quod tribuitur in alicuius laudem et vituperationem ». C'est de cette façon que le rhéteur Tanhoum commence son discours, *Sabbat*, 30 a, par une exagération étonnante de l'incapacité et de la sottise du roi Salomon, dont ses auditeurs durent être ahuris.

R. Méir nous apparaît comme l'initiateur de ce style, emprunté aux Grecs, surtout dans la *Baraita Abot*, VI, qui porte son nom, *שני חכמים* est (comme plus tard *חנו רבנן*) un discours pompeux, déclamatoire, qui, orné de figures, de nombres, de mots imprévus, fait admirer l'érudition, l'audace, la mémoire et l'élégance de l'orateur. Un procédé efficace, c'était de fixer l'attention de la foule par une comparaison hardie et une énumération surprenante. La logique n'y était pas nécessaire, on éblouissait par la forme et l'esprit. C'est cette règle qui est suivie dans le discours *Abot*, VI, 6 : « La Tora est supérieure au sacerdoce et à la royauté »². On était très curieux d'entendre comment. Mais ce n'est pas des abstractions qu'on développe devant la foule ; la grandeur ne lui peut être facilement démontrée que par mesures et chiffres. L'orateur continue donc : « La royauté n'a que 30 privilèges, le sacerdoce 24, la Tora en a 48 ! » Voilà une antithèse piquante. Il ne fallait pas regarder de près ces privilèges, ou conditions, qu'il allait énumérer non sans peine.

Comme la forme et la méthode sont empruntées aux rhéteurs contemporains, un grand nombre de ses idées frappe par leur ressemblance avec les idées des penseurs grecs et romains, et surtout des stoïciens.

Le discours sur la gloire de la Tora contient plusieurs expressions qui rappellent l'éloge de la philosophie par Sénèque.

1. *Die Komposition der Scheelloth des R. Achai und die Rhetorik der babylonischen Hochschulen*, dans la *Festschrift* d'Ad. Schwarz, Vienne, 1917.

2. C'est parfaitement l'idée de R. Méir qu'un bâtard instruit dans la Tora est supérieur au grand-prêtre.

Abot, VI, 1

29. « Celui qui s'occupe sincèrement de la Tora obtient *bien de choses comme récompense* (זוכה לדברים הרבה)... il est *ami de Dieu et des hommes*... bien préparé à être juste, consciencieux, honnête, fidèle, à l'abri des passions (ומרחקתו מן החטא)... il s'élève au-dessus de toutes choses (כל המעשים) »

De brevitae vitae 19, 2 :

« Expectat te in hoc genere vitae *multum bonarum artium*, amor virtutum atqu usus, *cupiditatum oblivio... alta rerum quies.* »

Epistul. mor., 81, 12 :

« *Solus sapiens scit amare, solus sapiens amicus est* »

Epist. 37, 3 : « Ad hanc te confer, si vis salvus esse, si securus, si beatus, denique si vis esse... liber ».

30. Dans la liste des conditions de la Tora, ou des signes caractéristiques de ceux qui l'étudient, *Ab.*, VI, 6 : « Il aime les admonitions », אהב את התוכחות. — Sénèque, *De ira*, III, 36,4: *Admoneri bonus gaudet.*

31. Sur la prescription de restreindre le négoce, במיעוט סחורה, qui est d'accord avec son mot d'*Ab.*, IV, 12 : *היה כמעט בעסק*. Cf. *De ira*, III, 6, 3 : Numquam tam feliciter in *multa* discurrenti *negotia* dies transit. ; M. Aurèle, IV, 24 : *Ολίγα πράσσει.*

32. Les bénédictions quotidiennes « parce qu'il ne m'a pas créé femme », et « parce qu'il ne m'a pas créé esclave », ont leur origine dans un mot de R. Méir, *Menachot* 43 b ¹. — On sait qu'Aristote, dans sa *Poétique*, désigne la femme et l'esclave comme des êtres inférieurs ².

33. Par la Tosefta *Berach.*, VII, 3 (éd. Zuckerm., p. 16) nous savons que la règle (mentionnée déjà plus haut, au n° 7, et que nous supposons remonter jusqu'à l'école d'Hillel) de bénir Dieu pour les événements désagréables, lui est particulièrement chère, et qu'il tâche de la fonder sur un mot biblique. Voy. les parallèles au n° 14.

34. Le mot de R. Méir que si Dieu, après la création de l'homme,

1. D'accord avec sa remarque malicieuse : Dieu a béni Abraham en tout, c'est-à-dire : *il ne lui a pas donné de fille.*

2. τὸ μὲν (sc. γυνή) γένετον, τὸ δὲ (δούλος) ὅλως φαῦλόν ἐστι. *De arte poetica*, 15 (éd. Christ, 1882, p. 19). Cf. M. Aurèle, iv, 28 : « Une qualité indigne — c'est-à-dire : féminine ».

examinant tout ce qu'il avait créé, le trouvait « très bien », cela signifiait l'éloge de la *mort* (*Ber. rabba*, IX), n'est pas un simple calembour (מֵוֶת = מָוֶת), mais probablement la conséquence de l'idée, qui se trouve partout chez les Stoïciens, que la *mort* n'est pas un mal et que c'est même une institution très heureuse. Sénèque, *De Constantia*, 8, 3 : « Scimus mortem malam non esse ». *Ad Marciam*, 20, 1 : « O ignaros malorum suorum, quibus non mors ut optimum inventum naturae laudatur expetaturque ». M. Aurèle, XII, 23 : « La fin de la vie n'est pas un mal pour l'homme... au contraire, c'est un bon événement (ἀγαθὸν δέ), puisqu'il est utile à l'univers ».

35. « Qui est riche? Celui qui se contente de ce qu'il possède », *Sabbat*, 25 (Voy. aussi plus haut au n° 17). — *Ad Helviam*, XI, 5 : « Animus est qui divites facit ».

36. Bérouria, la savante femme de R. Méir, lui rappelle, un jour qu'il est très fâché contre les criminels de son voisinage et veut prier Dieu qu'ils meurent, le devoir d'attendre seulement l'extermination des *péchés* et non des pécheurs ; pour ceux-ci il faut demander qu'ils se corrigent. Elle appuie cette idée sur une interprétation nouvelle de Ps. 104, 34, mais l'idée même est familière au stoïcisme. Elle est identique avec le conseil de Sénèque, *De ira*, I, 14, 3 : « Quanto humanius mitem et patrium animum praestare peccantibus et illos non persequi, sed revocare ! » ¹.

37. La comparaison des enfants morts avec un dépôt qu'on a dû rendre à Dieu (à l'occasion du deuil de R. Méir et de Berouria; Midr. Mischlé) se trouve chez Epictète. « Ton enfant est mort? — Tu l'as rendu ! — Tant qu'il t'est confié, regarde-le comme le bien d'autrui ». *Enchirid.*, 11.

Nous avons parlé d'une raison particulière de nous occuper de R. Méir. La voici : on connaît la légende, *Gittin*, 56 a, d'après laquelle ce Tanna célèbre aurait été d'origine romaine et même un descendant de l'empereur Néron. Cela paraît absurde quand on songe qu'il s'agit d'un des principaux fondateurs de la Halacha rabbinique, dont l'autorité est si grande dans la Mischna (il y est mentionné 335 fois, et nombre de traditions anonymes sont aussi de lui). Un prosélyte aurait-il jamais pu acquérir cette science

1. Un passage « non sceleratos extirpere, sed scelera », cité par Bergmann, p. 155 d'un ouvrage de Bischoff, ne m'est pas connu chez Sénèque.

et cette autorité? Tout en nous méfiant de la légende, nous ne pouvons pourtant perdre de vue ces faits remarquables :

a) De tous les grands Tannaïtes de son époque, il est presque le seul qui soit toujours cité *sans nom de père*¹. Nulle part une trace de ses parents.

b) C'est le cas d'Obadya au milieu des prophètes, dont les noms (sauf de rares exceptions) sont toujours introduits dans la Bible accompagnés de ceux des parents. L'anomalie d'Obadya et la signification de son nom (serviteur de Dieu) ont suggéré ou appuyé la légende qu'il était prosélyte, d'origine iduméenne, et que c'est justement à cause de cette origine que sa prophétie s'occupe d'Edom. Or, l'auteur de cette suggestion, *Sanh.*, 39 b, est R. Méir.

c) La légende que R. Méir était un descendant de Néron suppose un fait connu, à savoir qu'il était d'origine romaine. — Le père de sa femme (du nom de ברוריה — peut être une altération de Veturia; il y a eu une prosélyte de ce nom en controverse avec R. Gamliel, *R. Haschana*, 17 b). Hanina b. Teradion habitait Sichnin, mais d'après *Aboda Zara*, 18 a, où sont mentionnés des גדולי רומי, il séjournait à Rome.

d) C'est lui qui dit, *Baba Kama*, 38 a : « Même un païen qui étudie la Loi est égal au grand-prêtre ; il est question des préceptes que l'homme doit observer pour vivre (Lév., 18, 5), non de prêtres, Lévites ou Israélites ».

e) Quant à son érudition et son rang parmi les Tannaïtes, il faut songer à tant de prosélytes de cette époque, qui se vouaient aux études rabbiniques et sont cités comme collègues par les Tannaïtes du II^e siècle. Ainsi R. Yehouda, son contemporain, raconte (*Yebamot*, 76 b) : *Mnémon, prosélyte égyptien, était mon camarade parmi les disciples de R. Akiba*. Il s'est marié avec une prosélyte, pour que son petit-fils puisse entrer dans la communauté israélite, (*Hanan*, « l'Égyptien », *Sanh.* 17 b, était peut-être aussi un prosélyte). — La question de la validité du mariage de נכפייים le prosélyte (*Novatus*? — c'était le nom du frère de Sénèque) est discutée par R. Yosé (*Yébam.*, 98 a). — Ben Yassin raconte (*ib.*) que dans une grande ville d'outre-mer un prosélyte s'était marié avec sa belle-

1. Comp. Eliézer b. Hyrkanos, Josué b. Hananya, Akiba b. Joseph, Yehouda b. Ilai, Eléazar b. Azaria et d'autres. R. Tarphon fait aussi exception, mais on apprend que son oncle était prêtre à Jérusalem. De R. Méir — rien.

sœur, dont le premier mari n'était son frère que du côté maternel. Sur la question : « Mon fils, qui te l'a permis ? » il aurait répondu : « A cette place même était un jour assis R. Akiba lorsqu'il exposa deux choses : l'une, c'était l'admission d'un tel mariage, l'autre (aggadique celle-là) sur le mot de la Bible : La parole de Dieu fut adressée à Jonas *la seconde fois*. Il en déduisait : « Mais non pas une troisième fois ». (Jonas n'était plus digne que la divinité lui parlât ; la remarque paraît être aussi en relation avec le prosélytisme : Jonas n'était plus digne, parce qu'il avait traité avec dédain les habitants de Ninive). — Aquila du Pont, traducteur du Pentateuque selon l'interprétation de R. Eliézer et R. Josué, était de la même époque. J. Derenbourg suppose même que R. Yosé, « fils d'une femme Damascène », R. Yochanan, « fils d'une Hauranite » et Abba Saul, « fils d'une Batanéenne » étaient des prosélytes ¹. La chose est plus vraisemblable pour Philémon (פלימון) ou Polémon (c'est le nom de plusieurs philosophes et rhéteurs, nom usité surtout dans le Pont, patrie d'Akylas ou Aquila) qui dit (*Berach.*, 48 b) que dans la bénédiction il faut mentionner *d'abord la circoncision et puis la Tora* ; on se rappelle comment les prosélytes *Mono-baze* et *Bazotos* se mirent à pleurer en lisant la Tora parce qu'ils n'avaient pas encore adhérents formellement au judaïsme et comment ils étaient fiers plus tard d'avoir subi la circoncision (*Beresch. R.*, 46); comment Izate, contre le conseil d'Ananias, dédaigne les périls pour s'y soumettre (Josèphe, *Ant.*, XX, 2, 4), et comment Aquila et une matrone romaine s'étonnèrent de ce que la circoncision ne se trouvât pas parmi les dix commandements (*Pesikta Rabbati*, Décalogue, III). — Enfin, déjà Schemaya et Abtalion, piliers de la tradition, sont désignés comme prosélytes.

Il suffit donc de constater, sans plus, que l'origine romaine de R. Méir *n'est pas impossible*, et que, si elle est un fait, elle explique d'autant mieux les influences qui nous ont frappé.

Cela nous mène à considérer quelques sentences de prosélytes reconnus tels dans le Talmud.

1. *Ben Chananja*, 1867 ; S. Klein dans סחקרים א"י, III (עבר הירדן), p. 21, paraît être du même avis, mais pour Abba Saül il y a contre cette hypothèse la mention qu'il demanda d'être enterré près de son père (*Semachot*, XII).

V

PROSÉLYTES

Il faut se rappeler — ce que la satire XIV de Juvénal atteste, — que les prosélytes étaient très souvent élevés dès leur enfance chez des parents demi-prosélytes, « craignant Dieu », dans le rituel juif. « Celui-ci a eu, par hasard, pour père un observateur du Sabbat, il n'adorera que les images et la divinité du ciel, il ne fera aucune différence entre la chair humaine et celle du porc dont s'est abstenu son père ; bientôt même il se fait circoncire » ¹.

Dans quels cercles intellectuels se recrutaient les prosélytes ? Il faut croire qu'avant tout les individus d'une culture supérieure, d'une piété sincère, passionnés pour les questions théologiques, aimant la vertu, versés dans les lettres, connaissant déjà assez bien les œuvres des philosophes et mal satisfaits de leurs doctrines, cherchaient, longtemps avant le christianisme, le salut suprême dans la religion monothéiste et universelle des Juifs. Il est tout naturel qu'ils aient apporté des idées qui se retrouvent dans la littérature stoïcienne.

38. *Onkelos*, fils de Callinique, fut un prosélyte. « César ² envoya plusieurs fonctionnaires romains pour le détacher de sa nouvelle religion, mais il sut leur exposer la supériorité morale du judaïsme, de façon qu'ils devinrent eux aussi des prosélytes. Un des exemples qu'il leur appliqua était : Un prince humain est assis dans son palais et ses serviteurs le gardent à la porte ; par contre, Dieu est celui qui garde ses serviteurs. (*Ab. zara*, 11 a)

Sénèque dit (*Ep.*, 95, 47) : « Non quaerit ministros deus : quidni ? ipse humano generi ministrat ubique et omnibus praesto est »

39. A Bar Hé-Hé prosélyte (v. Tos. *Haguiga*, 9 b) le prophète Elie révèle le sens du mot d'Isaïe, XLVIII, 10 : « Je t'ai choisi, en t'éprouvant dans le creuset de l'indigence » : pour Israël, l'indigence est

1. « Quidam sortiti metuentem sabbata patrem... » Voy. l'excellent article de M. Isr. Lévi sur le prosélytisme juif, *Revue*, L (1905), 1-9 et LI, 1-31, contre Bertholet et autres.

2. Il peut s'agir de n'importe quel prince. *Callinique* était aussi le surnom de Séleucus de Syrie.

le plus grand bénéfice. — Sénèque, *De ira*, III, 2, 1 : « *beneficio egestatis* ».

40. R. Jacob, *fils de la fille de Jacob*, est introduit *Sabbat*, 149 b. Ce nom étrange ne peut désigner qu'un prosélyte. Ce qu'il dit ressemble singulièrement à un passage de Sénèque.

Celui qui attire une punition *De ira*, I, 6, 5 : « Vir bonus sur autrui ne pourra pas approcher Dieu, car il est écrit, Prov. 17, 26 : « *Punir, pour un juste, n'est pas bien* », c'est-à-dire : c'est mal (Raschi : צדיק המעניש לא (פועל, וכיון דאינו טוב הרי הוא רע non laedit ; poena laedit ; bono ergo poena non convenit ».

VI

AMORAÏTES

41. R. Eléazar b. Pedat. « Reste dans l'obscurité, et tu vivras. » *Sanh.*, 14 a. — C'est le mot connu d'Epicure : λάθε βιώσας, d'où Ovide, *Trist.*, 3, 4, 25 : *Crede mihi, bene qui latuit, bene vixit*.

42. Resch Lakisch. « Si l'on commet un péché, c'est que l'esprit s'est troublé par une sottise », *Sota*, 3. — « Inter cetera mortalitate incommoda et hoc est, caligo mentium nec tantum necessitas errandi... » *De ira*, II, 10, 1.

43. *Du même*. « Il faut combattre les passions (non tout doucement mais) par un élan énergique du penchant au bien », ירגיו אדם יצר, *Ber.*, 5 a. — « Solebat dicere Fabianus : Contra adfectus impetu, non subtilitate pugnandum... sed incursu aver-tendam aciem non probam. » *Brev. vitae*, 10, 1.

« Si cela ne suffit pas, continue R. L., le suprême moyen est d'évoquer le souvenir de la mort », וזכור לך יום המיתה. — « Nec ulla res magis proderit, quam cogitatio mortalitatis », *De ira*, III, 42, 2.

44. R. Alexandri. « Celui qui entend les insultes et se tait mérite le surnom de pieux. » *Midr. Teh.*, XVI. — C'est le contenu du dialogue de Sénèque : « Nec iniuriam nec contumeliam accipere sapientem ».

43. *R. Isaac* (d'après *Ber. Rabba*, LX ; proverbe anonyme *B. Kama*, 92 a) : « Ce qui est défavorable pour toi, dis-le toi-même d'avance (pour qu'un autre ne te le reproche) ». — « Ita materia petulantibus detrahitur, si prior occupes. » *Const.*, 16, 2.

46. *R. Josué b. Lévi*. « Il n'y a d'homme libre que celui qui s'occupe de la Tora » אין לך בן חורין אלא מי שעוסק בתורה *Abot*, IV. — « Philosophiae servias oportet, ut tibi contingat vera libertas » (au nom d'*Epicure*) *Ep.*, 8, 7 ; « Sapientia libertas est », *Brev.*, 5, 2.

47. *Rab*. Dans ses décisions il se tient à la règle que ce n'est pas le droit formel seulement qu'un homme honnête doit suivre, mais qu'en dehors de la loi לפנים משורת הדין, il faut marcher dans « la voie des bons », agir de façon humaine et noble. *Baba meïa*, 83 a. — « Quam angusta innocentia est, ad legem bonum esse? Quanto atius officiorum patet quam iuris regula? Quam multa pietas, humanitas, liberalitas... exigunt quae extra publicas tabulas sunt. » *De ira*, II, 28, 2.

48. *Samuel*. « Ce qu'on reproche aux autres, c'est souvent son propre défaut », כל הפוסל במומו פוסק (*Kiddouschin*, 70). — Senèque : « Omnes mali sumus; quicquid itaque in alis reprehenditur, id unusquisque in suo sinu inveniet » (*De ira*, III, 26, 4).

49. *Raba* (ou *R. Hisda*). « Si les souffrances te frappent, examine ta conduite » יפשפש במעשין *Ber.*, 5 a. — « Ipsa illi iniuria usui est, per quam experimentum sui capit et virtutem temptat. » *Const.*, 9, 3.

3.

RABBINIC PARALLELS TO *SCRIPTORES HISTORIAE AUGUSTAE*

BY MOSES HADAS

CONSIDERABLE information concerning life in the Roman Empire might be derived from a thorough examination of the immense body of rabbinic literature.¹ This literature was composed largely under the shadow of Rome, and allusions to Roman institutions are as numerous as might be expected. The homiletic Midrashim² are particularly fertile; their parables are usually in terms of contemporary life. An aspect of Roman life which seems to have exercised the imagination of the rabbis especially is the Roman emperor; references are so numerous that a collection of almost a thousand passages has been made in which the emperor constitutes the *tertium comparationis* or is otherwise alluded to.³

Reminiscences of Suetonius and the *Scriptores Historiae Augustae* occur, as is natural; but parallels close enough to be striking are not numerous. I offer herewith several pairs of passages which might be reciprocally illuminating. I use the *Scriptores* rather than Suetonius, since they are more nearly contemporary with the authorities of the Midrashim.⁴

Julius Capitolinus *Marcus Antoninus* xxv. 8, 9:

ignovit et civitatibus quae Cassio consenserant, ignovit et Antiochensibus, qui multa in Marcum pro Cassio dixerant. quibus et spectacula et con-

¹ The standard prolegomenon to this literature is H. L. Strack, *Einleitung in Talmud und Midrasch* (Munich, 1921). Briefer treatments are to be found in E. Schürer, *Geschichte des jüdischen Volkes im Zeitalter Jesu Christi*³, I, 111-61; and G. F. Moore, *Judaism in the First Centuries of the Christian Era* (Cambridge [U.S.A.], 1927), I, 123-216.

² For the character and date of the various Midrashim see J. Theodor in *Jewish Encyclopedia*, VIII, 548-80. The best summaries of the contents of the Midrashim in a European language are in the works of Wilhelm Bacher: *Die Agada der babylonischen Amoräer* (Strasburg, 1878); *Die Agada der Tannaiten* (Strasburg, 1884); *Die Agada der palästinischen Amoräer* (Strasburg, 1891).

³ I. Ziegler, *Die Königsgleichnisse des Midrasch* (Broslau, 1903); unfortunately this work is neither critical nor complete. Passages more apposite for the study of Roman life are given in S. Krauss, *Monumenta Talmudica* (Wien and Leipzig, 1914), Vol. V.

⁴ The texts are from Magio's edition in the Loeb Classical Library, except for Vopiscus, which is from Peter's Teubner text. The translations from the Hebrew are my own.

ventus publicos tulerat et omne contionum genus, contra quos edictum gravissimum misit.

Genesis R. 10:4; Yalkut 1:10; cf. Bacher, *Ag. Pal. Am.*, I, 91:

Rabbi Apphos preached in Antioch. . . . As a king that entered a province, and the provincials magnified him, and their praise was pleasing to him. He gave them games and races bountifully. After a time they angered him; he diminished their games and races.

Aelius Lampridius *Commodus Antoninus* iv. 7, 8:

Paternum . . . per lati clavi honorem a praefecturae administratione summovit. post paucos dies . . . et Paternum . . . interfecit.

Esther R. 7:2; Yalkut 2:1053 *fn.*:

A common man blasphemed a prince. Said the king, If I kill him men will say, He has slain a common man. He made him a captain and then a general, and then said, Take off his head.

Aelius Lampridius *Commodus Antoninus* xvii. 10:

Colossi autem caput dempsit, quod Neronis esset, ac suum imposuit.¹
Leviticus R. 23:12:

As an artist who was fashioning an icon of a king. When he was about to complete the countenance the king died and another arose. When the artist heard this his hands were weakened. He said, Shall I mould the face of the first king or of the second?

Aelius Spartianus *Severus* xvii. 1:

in itinere Palaestinis plurima iura fundavit. [After Severus had defeated and pursued to death the two aspirants to the purple, Pescennius Niger and Clodius Albinus, he bestowed certain rights on Palestinian communities.]
Sifra 70b; Yalkut 1:811:

As the people of a locality who sought of a king that he constitute the locality a colony. Once he had two enemies and they fell before him. They said, This is the time that we should seek of the king that he make our locality a colony.

Aelius Spartianus *Antoninus Caracalla* i. 6, 7:

septennis puer, cum conlusorem suum puerum ob Iudaicam religionem gravius verberatum audisset, neque patrem suum neque patrem pueri velut auctores verberum diu respexit. Antiochensibus et Byzantiis interventu suo iura vetusta restituit, quibus iratus fuit Severus, quod Nigrum iuverant.²

¹ Cf. Suetonius *Caligula* xxii. 2: "ut simulacra numinum . . . apportarentur . . . quibus capite dempto suum imponeret." Tiberius condemned a man for removing the head from a statue of Augustus (Suetonius *Tiberius* 58).

² Cf. Suetonius *Tiberius* 8: "Civiliū officiorum rudimentis regem Archelaum Trallianos et Thessalos, varia quosque de causa, Augusto cognoscente defendit; and Nero 7. 2: apud eundem (sc. patrem) consulom pro Bononiensibus Latine, pro Rhodiis atque Iliensibus Graeco verba fecit."

Yalkut 2. 624:

R. Hiya says, As a king that was wroth against the people of a province, and the people of the province went and conciliated the son of the king. He went and conciliated his father. After that he was conciliated of his son, the people of the province went to sing praises for the king. The king said to them, Is it me that ye hymn? Go and hymn my son; but for him I should have caused the people of the province to perish.

Aelius Spartianus *Antoninus Caracalla* v. 7:

damnati sunt eo tempore qui urinam in eo loco fecerunt in quo statuæ aut imagines erant principis.¹

Numbers R. 2:3:

It used to be that he who pointed at an icon of the king with his finger was put to death.

Exodus R. 27:6:

As a hunter that was hunting birds. He caught one, but as he was about to catch the second it went and lighted on an icon of the king. The hunter stood still and marvelled and said, If I cast a stone upon it I will commit a capital crime; if I reach for it with my lime rod I fear I may touch the king's icon: surely the bird has found a safe asylum.

Aelius Lampridius *Severus Alexander* xx. 1:

Moderationis tantæ fuit, ut nemo umquam ab eius latere summovertetur, ut omnibus se blandum adfabilemque praeberet, ut amicos non solum primi aut secundi loci sed etiam inferiores aegrotantes viseret.

Yalkut 1:723 *fin.*:

As a king who had a friend. He sent and said to him, Prepare yourself for I will visit you on such and such a day. But the friend did not believe him and thought, Even if he comes it will be as a private individual or at night. The king knew his friend's thoughts and sent to him, By your life I shall come to you publicly, and I shall ride upon the horse upon which I rode when I was made king, and I shall clothe myself in the purple which was cast over my shoulders the day I was made king, and I will come to you, that all may know how great my friendship is for you.

Aelius Lampridius *Severus Alexander* xl. 6:

purpuræ clarissimæ non ad usum suum sed ad matronarum, si quæ aut possent aut vellent, certe ad vendendum gravissimus exactor fuit. [The manu-

¹ Cf. *ibid.* 58: "... ut hæc quoque capitalia essent: circa Augusti simulacrum servum cecidisse, vestimenta mutasse, nummo vel anulo effigiem impressam latrinæ aut lupanari intulisse, dictum ullum factumve eius existimatione aliqua læsisse."

facture of purple cloth was in charge of an imperial procurator and later became an imperial monopoly.]¹

Esther R. 7:10:

If royal purple is sold in the market, woe betide the seller, woe betide the purchaser.

Deuteronomy R. 1:7:

As a man who was selling purple, and cried out and said, Here is purple! The king heard him and summoned him and said to him, What are you selling? Nothing, he replied. Said the king, Heard I not thy voice calling, Here is purple? And now thou sayest, Nothing. True, my lord, said he, it is indeed purple, but with thee it is as naught.

Aelius Lampridius *Severus Alexander* xlv. 8:

Multis civitatibus, quae post terrae motus deformes erant, sumptus ad instaurationem operum et publicorum et privatorum ex vectigalibus dedit. Yalkut 2:841:

A petitioner said to the king, I do not seek aught for myself, but that certain province is desolate, and it is thine; decree that it be rebuilt. The king said, Here is a great crown; take it.

Aelius Lampridius *Severus Alexander* li. 4:

Ulpianum pro tutore habuit, primum repugnante matre, deinde gratias agente, quem saepe a militum ira obiectu purpurae suae defendit.

Exodus R. 38:8:

As a prince whose pedagogue entered in to speak on behalf of a dependent, but feared those who stood about the king, lest they attack him. What did the king? He covered him with his purple, that they might see it and fear him.

Aelius Lampridius *Severus Alexander* li. 7, 8:

Clamabatque saepius, quod a quibusdam sive Iudaeis sive Christianis audierat et tenebat, idque per praeconem, cum aliquem emendaret, diei iubebat, "Quod tibi fieri non vis, alteri ne feceris." quam sententiam usque adeo dilexit ut et in Palatio et in publicis operibus praescribi iuberet.

b Sabbath 31a:

There is the story of a gentile who came before Shammai and said, Make me a proselyte on condition that you teach me the entire Law while I stand on one foot. He thrust him away with the builder's rod which was in his hand.

¹ O. Hirschfeld, *Verwaltungsbeamten*, pp. 307 f., n. 3, discusses the matter. He cites *CIL*, III, 536, which mentions by name a procurator of Alexander charged with the *ratio purpurarum*; and Cod. Justinianus iv. 40. 1, which made it an imperial monopoly: "Fucandae atque distrahendae purpurae . . . facultatem nullus possit habere privatus."

Then he came before Hillel, who accepted him as a proselyte, saying, That which is displeasing to thee do not to thy neighbor. That is the entire Law; the rest is commentary; go and learn it.¹

Julius Capitolinus *Maximini Duo* xxiii. 7:

in oppido igitur vicino statim Maximini statuæ atque imagines depositæ sunt.

Exodus R. 42:3; Yalkut 1:299:

As a province that sent an envoy to offer a crown to the king. While he was gone the provincials arose and overturned the king's statues and stoned his likenesses.

Flavius Vopiscus *Tacitus* xi. 2:

præ omnibus adfatim ministratis lactucis impatienter indulsit.

b Berakhot 57b; b A.Z. 11a; Yalkut 1:733:

R. Judah in the name of Rab says, The reference [to two proud men] is to Antoninus and Rabbi, from whose tables radishes, lettuce and cucumbers were never wanting, neither in Summer nor in Winter.²

The association of some of these passages may be forced, but it is clear that they, as well as many others in rabbinic literature, refer to Roman conditions. Considered independently, the historical value of these texts is not higher than that of the *Scriptores* themselves, but they have a strong corroborative value, coming, as they do, from another literature. This literature is the only contemporary literature other than Greek and Roman, and if nothing else, it reveals the attitude of an intelligent subject people to the conditions of Roman domination.

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¹ In *Classical Weekly*, XXI (1928), 114, I use this passage for the interpretation of *stans pede in uno* (Horace *Sermones* i. 4. 10).

² "Antoninus" like "Caesar" or "Augustus" is used freely to designate any of the later emperors; see Krauss, *Antoninus und Rabbi* (Wien, 1910), p. 98. Similarly Rabbi here need not necessarily designate (as it usually does) Judah ha-Nasi, who died about 200.

4.

THE BACKGROUND OF THE HAGGADAH

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VI

DIATRIBE AND HAGGADA

(1) The Greek word *διατριβή* has many meanings. In rhetoric it signifies an "occasion for dwelling on a subject" (Arist. *Rhet.* 3.17). The addresses and speeches of Cynics and Stoics

developed the diatribe into an art. The best representatives of those schools used it in speech and written word. In reading E. Norden's, *Die Antike Kunstprosa* (2 vol. Leipzig 1895) I was struck by the new light, which the investigations of that scholar throw on the style of the Haggadah. This impression became even greater in studying Rudolf Bultmann's: *Der Stil der paulinischen Briefe und die Kynisch-Stoische Diatribe* (Göttingen, 1910). It amounts almost to a platitude to emphasize the fact that the inner content of a literary work cannot be properly understood without understanding its external form. Still, in our studies and researches up till now, the latter has been more or less neglected. It is customary to ignore or to deny style, form and beauty in the literary productions of the scribes, in their homilies and sermons, their parables and similies, their thoughts or teachings. The inner meaning is the chief thing, the external form is of no consequence. The history and the state of preservation of our literature, which is partly fragmentary, and partly sketchy, apparently confirms such a belief. This, however, is an erroneous view! The Haggadah has a style of its own, worth studying. The preachers and teachers, whose immortal names are entombed in the Haggadah of the two Talmuds and the Midrashim, developed a homiletical style, which is not much behind that of the masters of oratory in Latin and Greek. We are told, frequently, that educated and intellectual circles among the heathens of the first centuries, looked somewhat commiseratively on the barbarism of the Gospels. Learned and wise pagans treated rather with contumely the sacred writings of Early Christianity. This is not surprising at all. The Gospels in Greek must have struck them, as far as style and language go, as strange, or foreign to their literary taste. I am not aware of having read anything similar of the Hebrew Bible. The Haggadah, properly searched and studied, offers a lucid object-lesson in the similarities between the style of the diatribe and the homilies of the Scribe.

It is too premature at the present stage of our knowledge to decide the question, whether, or how far the Rabbinic preachers actually were indebted to the diatribe of Stoics and Cynics. This question will have to be answered, one way or another. Really, it is part and parcel of a much larger, and more important

problem, which has to be tackled, and answered either in the affirmative, or in the negative. I mean, the traces of external, secular knowledge possessed by the Scribes, their relation to Greek wisdom and science. Apart from the comparative point of view, the study of the haggadic style opens many new aspects of the inner meaning of some otherwise obscure sayings and sentences, forms and ways of our homilies. These enable us to listen to the living voice of the ages, to objections raised to teachings and legends, to criticisms made against exegesis and theology expounded from the pulpit, to abuse and ridicule heaped on the religion and history of the Jews by heathens and Christians, by believers and unbelievers, by masters and pupils. Being aware of the form of speech, we are enabled to revive many a long-forgotten historical fact, and reconstruct some intellectual movements, which are otherwise lost in the deep sea of the ages passed. Scientific research of the ancient documents of our literature cannot forego the investigation of the external forms of the material at our disposal.

(2) One of the most usual forms of the diatribe is to introduce dialogues between two parties in a speech. The speaker, or writer, steps into the background, he develops his *own* ideas by constructing a dialogue, between two, or more, different persons. The dialogue in the Haggadah has not been studied under this point of view. Its part and importance in Jewish theology and apologetics has not yet been pointed out, as was done in Christian theology and apologetics, where learned works are at the students' disposal. It cannot be done in this short essay. Yet, two or three facts should here be pointed out. First of all the dialogues between God and the Keneset Israel (כנסת ישראל). Some instances will suffice for it. Illustration: R. Johanan b. Nappaha depicts in a parable a king who had in his service two ill-famed quaestors. These were made use of by him if he wanted to chastise a rebellious province. Once a province became restless. The king dispatched one of them to this place. When the people heard this, they entreated him: Whatsoever you want to do in order to punish us, do, yet save us from the presence of this man! Israel says similarly before God: Lord of the Universe! Rebuke me not in thine anger neither chasten me in thy wrath (Ps. 6.2). God replies: What is mine anger, and my wrath for?

Israel says: Pour out thy wrath upon the heathen (ibid. 69.6). God accepts their words, and acts accordingly, saying: And I will act in anger and fury against the heathen (Micah 5.14), but not against Israel (cf. Hosea 11.10).¹

This instance, by the way, shows another characteristic feature of the diatribe: It was customary to put in the mouth of the arguing parties quotations from Homer, or other well-known authors, poets or philosophers. The preacher, Jewish or Christian, borrowed from the Bible. Our second instance will show this even more clearly. It is a dialogue between Israel and God, or the Holy Spirit.² The dialogue consists of six parts. Israel quotes one passage, the Holy Spirit replies with another from the Scriptures. The dialogue reads as follows:

- I. Israel says: There is none like God.
Holy Spirit: Jeshurun is like God (Deut. 33.26).
- II. Israel: Who is like thee among the gods, O Lord? (Ex. 15.11).
Holy Spirit: Happy art thou, Israel, who is like thee (Deut. 33.29).
- III. Israel: Hear O Israel, the Lord is our God, the Lord is one (Deut. 6.4).
Holy Spirit: Who is like thy people Israel, a unique nation on the earth? (I Chr. 17.21).
- IV. Israel: Like the apple tree among the trees of the forest, so is my beloved among the sons (Cant. 2.3).
Holy Spirit: Like the lily among the thorns, is my beloved among the daughters (ibid. 2.2).
- V. Israel: This is my God, I will exalt him (Ex. 15.2).
Holy Spirit: This people I have created unto me. (Is 43.21).
- VI. Israel: For thou art the glory of his might (Ps. 88.18).
Holy Spirit: Israel through thee I am glorified (Is. 9.3).⁴

¹ M. Ps. ed. Buber 6.3. Yalkuṭ Makiri Ps. ed. B. 6.6.

² Midr. Tanḥ. reads הַקָּדוֹשׁ inst. of רִחוּ הַקָּדוֹשׁ. In the Sifre Holy Spirit means in several places God, v. Marmorstein, *The Old Rabbinic Doctrine of God*, London 1927.

³ M. Tan. has eight: VII, Cant. 5.10, and 7.2; VIII Deut. 4.7.

⁴ Sifre Dt. § 355, p. 148ab, Midr. Tannaim p. 221, Mek. 16b, Midr. Zutta, ed. Buber p. 16.

One can faintly imagine and reconstruct after so many centuries the exact purpose and impression of a sermon of this type. At present they look to the reader as mere quotations of select gems from Pentateuch, Prophets and Psalms, which lack the key to open their secret and connection. No doubt the most sublime theological doctrines of the preacher's age were derived from, or put into these words, and surely expounded at length by the orator on that occasion. The Unity, the Incomparability, the Uniqueness both of God and Israel, the relation between God and Israel, the mutual choice of both, were the themes expounded, as pointed out in another place.⁵ The introduction and the peroration are unfortunately missing, or perhaps, misplaced, therefore the actual theme cannot be with certainty established, merely guessed. For our purpose it is enough to recognize that the preachers knew and used this method of the Diatribe.

In some cases, the speech, prayer, or request of the Keneset Israel is preserved, the reply of God either originally omitted, or lost through the copyists of our ancient Midrashim. R. Jose b. R. Hanina, one of the most eloquent preachers of the third century in Tiberias, whose life and teaching deserve a good monograph, dealt with Ps. 140.1 in one of his homilies. The Keneset Israel says before God: Lord of the Universe! The nations of the world spread out a net before me in order to catch me! They say: Worship idols! If I listen to them, I am condemned by thy law, if I do not obey, then they slay me. I am like a thirsty wolf, who stands before the well with a snare, saying: If I descend to drink, I will be caught by the snare, if not, I shall die of thirst.⁶ There we have the address of Israel; the answer of God is not reported. The preacher was satisfied with describing the feeling of his hearers, who passed through some persecutions. The same preacher offers another instance,⁷ which for style and contents deserves more attention than it has received before. He delivered a sermon, in which we are told that Moses

⁵ v. Marmorstein, *The imitatio dei, Nachahmung Gottes, Jeshurun* XIV, 1928.

⁶ Esther r. ch. 7, Yalk. Makiri Ps. 140.1.

⁷ v. b. Makkot 24a, variants in *En Ya'akob*, Yalkut Shim'oni II 313 and *Pirke de Rabbenu ha-Kadosh*, ed. Schönblum, Lemberg 1877, 24b.

decreed four decrees, which have been abolished by four prophets. The sayings of Moses are: (1) Deut. 33.28; (2) Deut. 28.65; (3) Exod. 20.5; and (4) Lev. 26.38. They were annulled by Amos 7.5-6, Jeremiah 31.1, Ezekiel 18.4, and Isaiah 27.13. This preacher did not fear to state that the prophets objected to, or, even abolished the words of the father of the prophets. The homily, which may have been delivered on a New Year's Day (cf. the passage from Jeremiah and from Isaiah) reveals the problems agitating the mind of Galilean Jews in that period, viz. the question of assimilation, the relation of Jews to the outside world, the sins of the fathers being visited on their children, and Israel's very existence. These questions, which trouble us, children of the twentieth century, so greatly in all countries of our dispersion, were alive and pressing in Tiberias, in the third century. In order to develop this theme, or these themes, the preacher put his arguments into the mouth of Moses and the prophets. The attitude of the preacher is not clearly and distinctly stated. We do not gather from his words on this occasion, whether he favoured the point of view of Moses, and condemned the others, or *vice versa*. Other homilies of his throw some light on his views.⁸

(3) Another type of the diatribe is presented in Haggadahs which comprise dialogues between Biblical personages, heroes of antiquity, saints and sages on one side, and God on the other side. Just as in the Cynic-Stoic Diatribe heroes of poetry and mythology, e. g., Odysseus or Heracles are introduced as defenders or propagators of philosophical ideas and ethical norms,⁹ so in their dialogues the "Fathers of the World,"¹⁰ prophets and kings teach or admonish, defend or accuse, rebuke or praise their contemporaries before God. Here also a few instances convey an idea of the similarity between the Haggadists and ancient rhetors as to their respective application of the Diatribe. The

⁸ v. Marmorstein, Eine messianische Bewegung im dritten Jahrhundert, *Jeshurun* XIII, 1926, 16-18.

⁹ v. Bultmann l. c. p. 12f.

¹⁰ As to the term אבות העולם v. Tanḥ. B I 196, Dt. r. 11.1, Gen. r. 12.14, 58.4, Lev. 36.1. Pirḳe R. ha-Kadosh III, 115, Midr. Abba Gorion p. 33, j. R. H. 56d, Eduyyot 1.4, Ozar Midrashim ed. Wertheimer, p. 80.

first instance is taken from the Haggadah of R. Jonathan ben Eleazar, reported in his name by R. Samuel b. Nahmani. He depicts Moses as writing the Torah, especially the story of the daily creation. When he arrived at Gen. 1.26 (let us make man), Moses exclaimed: Lord of the Universe! Wherefore dost thou give an opening of mouth (occasion) to the Minim? i. e., to assert that there were two powers assisting at the creation of man. God replies: Write, and he who likes to err, let him blunder.¹¹ God said: What about the man, whom I created? Does he not produce big and small ones? Now, if the former should ask permission of the latter, will they not say: Why should socially higher standing people ask permission of lower ones? Well, let him learn from his Creator, who created the upper and lower ones, and yet at the creation of man, he consulted his ministering angels.¹² Gen. 1.26 gave rise to one of the thorniest questions of ancient Jewish Apologetics, and was properly misused, first by Gnostics, afterwards by Christians to prove the truth of their respective theories from the Bible of the Jews.¹³

Sometimes the dialogue represents a free, dramatized elaboration of the Bible narrative. R. Levi has a homily on Gen. 8.25. Abraham said: If thou desirest the world, there is no strict judgment, if judgment, there is no world. Thou holdest the rope by both ends,¹⁴ thou desirest both, world and judgment. The world cannot exist with the strict measure of judgment, without forgiveness. God replies: Abraham: thou lovest righteousness, hatest wickedness, therefore, has thy God anointed thee (Ps. 45.8). From Noah till thy time ten generations perished, and to none of them did I speak, except to you.¹⁵

¹¹ One would be inclined to read הרוצה לשעות א"ל הקב"ה, כתוב, אמר משה, instead of והרוצה לשעות יסעה א"ל. Moses asks this question, which fits in with the next משה וכו' א"ל הקב"ה, משה וכו'.

¹² Gen. r. ch. 8, ed. Theodor p. 62.

¹³ v. Marmorstein, *Juden und Judentum in der Altercatio Simeonis Judaei et Theophile Christianii* in *Theol. Tydschrift*, 49 (1915) p. 379.

¹⁴ A proverb ראשון בחב"ב' רשון often used by the teachers, e. g. R. Simlai, Tanh. B. 6 ואחתן ב. Samuel b. Nahmani Dt. r. 1.10 in Aramaic and in Hebrew.

¹⁵ Gen. r. ch. 39 ed. Theodor 369, ch. 49, ed. Theodor p. 500, Pes. B 139a.

(4) Among the manifold subjects dealt with by preachers, the most popular and appropriate to impress public opinion, was the national catastrophe, and the religious consequences of the destruction of the Temple. The choice of homiletical subjects was as difficult then, as it is now. Even the best preachers experienced some disappointments. Special days were set apart for the commemoration of that sad historic event, which marked such a great change in the course of Jewish history. R. Samuel b. Nahmani depicted in a rather lengthy homily the scene of the destruction of the Temple. The homily belongs to the form of Diatribe described in the previous paragraph. There are, however, two features, which have to be pointed out especially. This Haggadah shows that sometimes more than two persons take part in the discussion. Abraham appears tearing his beard, plucking his hair, smiting his face, rending his garments, with ashes on his head, lamenting and crying amidst the ruins of the destroyed Temple. He says, rather asks God: Why am I different from all other languages and nations? Why has this shame and disgrace fallen to my lot? There intervene the angels, who endorse his lament by *binding laments lines by lines*,¹⁶ and expounding Is. 33.8. The paths and roads leading to Jerusalem, established for pious pilgrims, are desolate. The pilgrimages have ceased; the covenant of Abraham is abolished, Jerusalem and Zion are despised, Israel is treated worse than the idolators, the generation of Enosh.¹⁷ God appears thereupon asking for the reason for all these lamentations. The angels take it upon themselves to reply: Abraham, thy friend, came to the ruins of thy house, and thou dost not regard him whatsoever! God replies: Since he departed unto the House of Eternity (בית עולם, i. e., grave, or cemetery), he did not appear in my house, and now, what has my friend to do in my house? (Jer. 11.13). Abraham lifts up his voice, and says: Lord of the Universe! Why hast thou exiled my children? Why

¹⁶ The term קשר הספר occurs also pal. Yoma 1.1, Sotah 1.10, Jeb. 16.4, Tos. Jeb. ed. Zuckerman p. 259. Jelam. Yalk. I 787, Nahmanides חורית 78a. v. Zunz *Literaturgeschichte* 15 n. 3. Perles *MGWJ* X, 387. Brüll, *Jahrb.* I 239. *Zion* 1841, 164. *Hamagid* VIII. 29, Marmorstein *Jahrb. für jüd. Volkskunde*, I, 291ff.

¹⁷ v. R. Johanan, b. Sabb. 118b, M. Ps. 2.2., Pirke R. E., ch. 18.

hast thou delivered them to the nations who have slain them with cruel deaths? Why hast thou destroyed thy sanctuary, where I brought my son Isaac, the father of the nation, as a burnt offering.¹⁸ God says: Because they have transgressed the Torah, and the 22 letters in her! So far goes the first part.¹⁹

The second part of this homily leads to another form of the Diatribe. I mean the method which is known as *Personification*.²⁰ Abstract conceptions and qualities, like truth, virtue, loving-kindness, charity, or the reverse are introduced into the speech as arguing, defending, contradicting, or confirming the speaker's statement. Here, as so often in the Haggadah, the Torah steps forward to plead against Israel. Abraham addresses the Torah, calling her: *My daughter*! Thou comest to testify against Israel, that they are guilty of transgressing the Law? Dost thou not feel ashamed before me? Remember the day, when God offered his Torah to all the nations, and they refused to receive his Law. No nation wanted to accept thee except Israel before Mt. Sinai!²¹ Thereupon the Torah departs. Then appear one by one the 22 letters of the Hebrew alphabet as witnesses, and are put to shame by Abraham. Our text has only the first three letters, each standing for one abstract idea, offended by Israel. Originally all the 22 letters were represented. Later the text was shortened for obvious reasons. The rest of the homily, which has nearly the character of a legend, contains several speeches delivered by Isaac, Jacob and Moses, the last quoting elegies in Aramaic, and a dialogue between Moses and the sun, concluding with an address by Rachel to God, who responds.

(5) The Haggadah preserved furthermore another significant feature of the Diatribe, which is shorter than the dialogues mentioned in the previous paragraphs, but all the same manifests characteristics of the dialogue. The homilists interrupt their discourse, or begin the same with an alleged or a real objection to their theme or the Bible by some opponent. The first class of

¹⁸ v. Gen. r. 55.9.

¹⁹ Midr. Lam. ed. Buber p. 26.

²⁰ v. Bultmann, l. c. p. 12.

²¹ This Haggadah is often repeated, v. Mek. 67a, כרי שלא ליתן פחחון פה להם כלפי שכינה. Sifre Deut. § 343; b. AZ 3b.

these objections can be grouped together under the heading **אם יאמר לך אדם**. The preacher develops an idea, and in the course of his sermon, he considers: "but, if someone tells you," "so reply to him." Many times the homilist begins his exposition: **כל מי שאומר** "whosoever says so and so." Thirdly, the audience is reminded of a fact **שלא יאמרו** "in order that people should not say," etc. A fourth group has **למי שאומר** "a reply to those, who say, etc." The name, or character of the objector is omitted, yet in many cases, either the **מינים**, **פושעי**, **אומות העולם** or **ישראל** are mentioned as real, or possible critics. Here belong further the sayings introduced by **ליתן פתחון פה** in order not to give an opening of mouth, i. e. occasion, or opportunity to the nations of the world, Minim (Gnostics) or Christians to say, etc. Finally, one comes across the phrase **אל תחמה** "do not wonder," especially after legends and stories which tax even the simplest mind to an extraordinary degree. I will give a few instances for each of these diatribic forms, especially bearing in mind the relation between Minim and Scribes.

(a) The first, **אם יאמר לך אדם**, is to be found as early as the middle of the second century in the Haggadah of the Tannaim, R. Judah b. Ilai and R. Nehemiah. Both of them, as shown in the first part of this paper, must have taken a prominent part in the fight against gnostic speculations and Bible criticism.²² Here²³ we are concerned with their expositions of Eccl. 3.15. Ecclesiastes teaches that that which has been is now, and that which is to be, has already been. Some sceptic objected to the first as well as to the second clause of the saying: **אם יאמר לך אדם שאלו לא חטא אדם הראשון ואכל מאותו העץ היה חי וקיים לעולם**: "if Adam had not sinned and tasted of that tree, he could have lived for ever." Koheleth says: Which has been is now. Supposing Adam had not sinned, would he be alive? Further, **אם יאמר לך אדם שהקב"ה עתיד להחיות לנו מתים**: "God will in future revive the dead," consequently, there will be something new,

²² v. above pp. 160, 163, 181.

²³ Lev. r. 27.4, Pes. RK. 76a fuller than Lev. r. Tanh. III B. 90, Eccl. r. 3.15, where the sayings are interchanged, Eccl. Zutta 98, Yalk. Eccl. 967.

which has not been in the past? The reply is: Tell him (אמר לו), the first question can be met by Elijah, who is still alive, the second by the deeds of Elijah, Elisha and Ezekiel. R. Nehemiah puts forth other questions of a similar type: אם יאמר לך אדם אפשר שהיה העולם כולו מים במים? אמור לו כבר הוא אוקיינוס כולו מים במים; ואם יאמר לך אדם שדקב"ה עתיד לעשות את הים יבשה אמור לו כבר היה לא כך עשה על ידי משה. The first part of the verse is attacked by one, who doubts the teaching that the world was "water in water," the second by one who asks: will there be a time, when the sea will become dry land? Otherwise how could Koheleth assert; "that which is to be, has already been?" The teacher reminds one first of the ocean, then of the crossing of the Red Sea. It is quite probable, that the objections affected more Rabbinic lore than Ecclesiastes' wisdom. Could Adam have lived for ever, if he had not sinned? Does Koheleth not deny the belief in resurrection? How can Rabbinic cosmology and eschatology be reconciled with the teachings of Koheleth? The objectors thought of, must have been Gnostics, who found the greatest pleasure in finding faults in the Bible. The teachers are contemporaries of Marcion, whose influence reached those who visited the Synagogues. Due to gnostic agitation, we hear from this period onwards, the teaching: *Whatsoever God will create in the future, has its counterpart in the past.*²⁴ Yet, there is another possibility! May be that pious souls could not yet acquiesce in the canonicity of Ecclesiastes. There might have been a set of Jews, reacting against the gnostic movements, who repeated old, or invented new objections to Ecclesiastes, and agitated for the removal of this book from the Canon. Some traces of such an agitation are still to be discerned in our texts. But, even such activity was under gnostic cross-currents, as we see Minim tackling the same questions in the third century.²⁵

R. Simeon ben Lakish delivered a sermon on Ps. 60.9, "Gilead is mine, and Manasseh is mine; Ephraim is also the strength of

²⁴ The doctrine is ascribed to R. Ḥalafta (Lev. r.), R. Eleazar b. Ḥalafta (Pes.), Simeon ben Ḥalafta, (Cant. r.).

²⁵ Num. r. 14.4, סימא בר חפא in the name of R. Simeon ben Lakish, introduced by אמר לך המינים, shortened Tanḥ. B IV. 41. Agadat Bereshit ch. 52 in the name of R. Berechiah, 4th cent. in a slightly different order.

my head, Judah is my law-giver." God says: (1) If a man tells you, God will not revive the dead, point out the case of Elijah, who comes from *Gilead*, and revived the dead son of the Zarfith. (2) If a man tells you that God does not receive those who repent, point out *Manasseh*, who was a king of Judah. (3) If a man tells you that God does not help the barren women, point out the wife of Elkanah, who came from *Ephraim*. (4) If a man tells you that God does not save from fire (or according to a second version, from wild beasts), point out the three young men, or Daniel, who came from *Judah*. (5) If a man tells you that God does not heal lepers, refer him to the instance of *Moab* (or, according to another version, that God does not save from water, point out Moses, who was drawn from the water). (6) If a man tells you that God cannot redeem the weak from the hand of the strong without sword and spear, let David come and testify against him.

Tabulating these six different objections and questions, according to the names of the teachers, we learn first of all that there are themes or questions common to all of them, secondly we may be able to establish the connection existing between them, and finally learn the development of these heresies. The first rubric (RJ) represents the questions mentioned by R. Judah ben Ilai, the second (RN), the third (RSbN), and the fourth (RSbL) by R. Nehemiah, R. Samuel b. Nahmani, and R. Simeon b. Lakish respectively. The underlined words recur in all, or in some of the rubrics.

| RJ | RN | RSbN | RSbL |
|---|----------------------------|--|--|
| אדם הר' חי וקיים לעולם <u>מחיה מתים</u> | מים במים <u>ים יבשה</u> | ים יבשה פוקח עורים <u>פוקד עקרות</u> מלכים משתחווים | 1 תחיית המתים 2 מקבל שבים 3 פוקד עקרות 4 מציל מן האש 4 ^a מציל מן חיות 5 מרפה צרעת 5 ^a מציל מן המים 5 ^b מציל מן העץ 6 מציל חלש |

These Minim could not have been Christians of any sort, but Jewish Gnostics, who doubted, or denied the belief in the resurrection, the possibility of repentance, and God's ability to help, or assist the ailing and those in danger of life. They opposed doctrines accepted and believed by the average Jew in the third century. Even Christians and pagans concurred in such beliefs.

On the whole, the term *אם יאמר לך אדם-אמור לו* is not rare in the Tannaitic Haggadah, yet frequent in the Amoraic teachings. In the paragraph treating the argument of God testing people, we used an anonymous Haggadah,²⁶ where this term occurs; yet in another source another form of the Diatribe is substituted, namely: *שלא ליתן פתחון פה*.²⁷

Interesting is another homily, based on Ps. 60.9,²⁸ which repeats objections to Elijah, Gideon, David, and Joshua, who committed some act or other, breaking the commandments of the Law. *Elijah* built an altar on Mt. Carmel, and brought sacrifices thereon, in spite of the fact that there was a Sanctuary at that time. Such an action was against Lev. 17.3-4. *Gideon* did a similar thing, offering sacrifices on the high places, whilst the Temple in Shiloh was in existence. *David* sinned against the Law, and *Joshua* broke the Sabbath observance before Jericho. All of them, was the reply, acted on God's command (*על פי*), and for His sake. David's case is interpreted as a special example to sinners to repent, since the gates of repentance are always open. The latter is a connecting link between No. 2 in R. Simeon ben Lakish's list and this present diatribe. Here, we can avail ourselves of material outside our own literature to identify the alleged objectors of the preacher. Early writings of the Church refer to Joshua as a proof for the mutability of the Law,²⁹ yet I have shown that Marcion and his followers raised the same questions from their own point of view.

The diatribe form is more usual in the Amoraic Haggadah. Yet, it would not be safe to jump to the conclusion that it is a sign of the latter Haggadah. Such a question cannot be finally

²⁶ v. above p. 155. Gen. r. ch. 55.1, ed. Theodor 584-585.

²⁷ Tanḥ. B. I. 58a.

²⁸ Num. r. 14.5, Tanḥ. B. IV.41.

²⁹ v. above p. 161.

settled in the course of a brief essay, such as the present one, since it necessitates a display of the whole material, for which there is no room here. We find this term in the Haggadah of the following Amoraim: R. Joshua ben Levi, R. Jose ben Zimra, R. Ḥanina b. Ḥama, R. Isaac, R. Levi, R. Abbahu, R. Ḥiyya b. Abba, R. Huna, R. Jose b. Abin, R. Abba Serungaya, besides those mentioned previously. Three instances taken from the anonymous Haggadah shall, for the present, conclude this part of our investigation, they relate to three different subjects, and may be used to reflect different aspects of the intellectual, political and religious conditions of the first centuries. The canonicity of some portions of the Hebrew Bible, the relation of the Torah to worldly wisdom, or the Torah of Early Christianity, and finally the shattered hopes of the Jews in the period after Emperor Julian's death shall be discussed in the following lines.

(A) "God made his covenant with Israel for the sake of the Torah." One should not say (שלא יאמר אדם): The Psalms are not Torah." No, they are Torah, so are also the Books of the Prophets, and not only the Psalms but also the Riddles and Parables.³⁰ The text is unfortunately in a bad condition. This is the more to be regretted, since a very grave and far-reaching subject is touched by the homilist. It presupposes an opposition from some unknown quarter to a part of the established Canon of the Bible. The date is also of great importance. If we might trust the Yalkuṭ,³¹ we could ascribe the homily to R. Samuel b. Nahmani, which is not impossible. Another source³² renders this information in the form of a dialogue between Israel and the singer Assaf. Israel says: Is there another Torah? Asaph: The פושעי ישראל assert that the Prophets and Hagiographa are not included in the Torah, and they do not believe in them. A similar assertion is repeated in a Piska for the Pentecost, discovered and published by the present writer, where we read: In order that ye shall not say: God gave Israel the Torah (but

³⁰ M. Ps. ed. Buber p. 344.

³¹ Ps. § 819.

³² Tanḥ. B. V. 19, v. Marmorstein, *Religionsgesch. Studien* I 33, and in the essay given in the next footnote.

not Nebi'im and Ketubim).³³ Who are these enemies of the two latter orders of the Bible? Christians are excluded at the outset. Prophets and Hagiographa were as sacred to them as to the majority of the Jews. We may mention Samaritans, or Sadducees, who are reputed to have rejected both Prophets and Hagiographa, yet it is unlikely that at this stage of separation from the people of Nablus, or after Sadducees have lost all their influence, or power, this should be the subject of homilies. Some Sadducees may have survived in some corners of Galilee, or may have amalgamated with Minim of different sorts, against whom the homily is directed.

(B) A homily on Lam. 2.9b (Her king and her princes are among the Gentiles, there is no Torah)³⁴ begins: If one tells you there is wisdom among the nations, believe him (Ob. 1.8), yet, if he tells you, there is Torah among them, do not believe him. A fuller version³⁵ of this homily is to be found in a Midrash on Deuteronomy. It is not hidden from thee (Deut. 30.11), but it is hidden from the nations of the world. If one tells thee that there are heroes and wealthy people among the nations of the world believe him, but that there is Torah among them, do not believe him. This Homily reflects Christian views. Christians claimed the Scriptures as their inheritance, and accused the Jews of forgeries. The preachers of the Synagogues declared that in spite of Tertullian, Clement of Alexandria, Origen, and others there is no Torah among the Gentiles.

(C) This is a reply to those, who say: "It is true that God said: 'I build a sanctuary!', and he built the same, but ye sinned, and he destroyed, and will rebuild it no more!" The refutation is based on the future in the verbs יִשְׁכֹּן and יִחַלֶּקֶן (Job 39. 28).³⁶ The taunting voice must have come from Christian circles, who ridiculed the hopes of the Jews, or put obstacles in the way of their attempts at rebuilding the Sanctuary in Jerusalem. The scene meets many historical situations from 68 C. E. till the time

³³ v. Marmorstein, Ein Fragment einer neuen Piska zum Wochenfest und der Kampf gegen das mündliche Gesetz, in *Jeshurun* XII 1925, 24-53.

³⁴ Midr. Lam. ed. Buber p. 114.

³⁵ Midr. Deut. ed. Buber p. 28.

³⁶ Pes. r. 10b, Yalqut Job.

of Emperor Julian. It is not unlikely that this Haggadah voices the views of Julian's enemies, their joy at the failure of the hopes of the Jews, and their bitter disappointment. Julian's relation to the Jews are shown in his letters to them, in which the promise to rebuild the Temple is plainly expressed.³⁷ Our homily reflects the feeling among Jews after the death of the Emperor.

(b) A second group is that of sayings and sentences introduced by *כל האומר*, "anyone who says," or *כל מי שאומר*, "whosoever says." There is a long catalogue of persons, e. g., the sons of Eli, of Samuel, David, Josiah, and Solomon, who are supposed to have erred and committed sins. All who say, these persons, or one of them transgressed the Law, is mistaken.³⁸ Similar sentences are reported about the Queen of Sheba,³⁹ and Manasseh, King of Judah.⁴⁰ The first group is by R. Jonathan ben Eleazar, whom we know as greatly interested in heretical views. He defended also Reuben's deed, yet this apology is much older. R. Eliezer ben Hyrkanus, R. Joshua ben Hananiah, R. Eleazar of Modi'im, R. Simeon ben Eleazer, and R. Simeon ben Gamaliel, preachers of the Tannaitic age, already found it necessary to deal with this point from the pulpit.⁴¹ Bearing in mind Marcion's Antithesis about God's favouring the wicked, and condemning the good, we have somewhere to look for an explanation of Jonathan's endeavours to justify, or to defend the errors of these persons. The same preacher goes for those people, who think that the Queen of Sheba was a woman. The Queen is not meant at all, but the Kingdom of Sheba. The defence of Manasseh is ascribed to R. Johanan. Since the names of these two teachers are very often confused, is it too daring to assume that here also R. Jonathan is the original reading, instead of R. Johanan? "Whosoever asserts that Manasseh has no share in future life, weakens the hands (*מרפה ידיהן*) of those who desire to repent!" We saw a few pages earlier that preachers had to combat a false doctrine of Minim, who taught that there is no repentance, God

³⁷ v. Graetz, *Geschichte* IV. 338, and note 34 *ibid*.

³⁸ b. Sabb. 55a.

³⁹ b. BB. 15b.

⁴⁰ b. Sanh. 103a.

⁴¹ v. Sifre Deut. §§ 347, 355, Gen. r. 87.8, b. Sotah 7b, j. Sota 1.4., Tanh 58b.

⁴⁶ b. Hag. 16a.

(c) Thirdly, preachers liked to introduce sayings which they reject in a negative form, e. g. שלא יאמר לך אדם. One instance has been mentioned above.⁴⁷ These sayings allow us a deeper insight into the thoughts and feelings of both parties. A homily on Job 41.4 teaches: God said: In order that children of man should not say (שלא יאמרו בני אדם): "We may also speak to God, as Abraham spoke, and he kept silent!" God replies: "I will not keep silent, although I kept silent unto Abraham."⁴⁸ The same homilist makes Abraham say before God: Lord of the Universe! Far be it from thee, etc., in order that people should not say (שלא יאמרו באי עולם): "That is his way, he destroys the generations in cruelty. He destroyed the generations of Enoch, of the Flood, of the Dispersion, he cannot leave off his way!" We now know the background of this saying of the באי עולם. It was made clear above that this argument is actually copied from Marcion's storehouse of arguments against the "cruel" God.⁴⁹ It is naturally unlikely that the preachers invented such words about a defeated or cruel God of their own. They introduced them from speeches delivered, or writings compiled by Gnostics. Rhetoricians in the squares of the cities, or in assemblies argued and were listened to by Christians and Jews, Gnostics and pagans. The orators of the Synagogues were bound to pay the closest attention to these opinions of the market philosophers, and dispel their mischievous influence. Another example shall illustrate this: R. Judah b. Simon, a well-known Haggadist of the fourth century, asserts that besides Moses and Aaron, God himself took an active part in the numbering of Israel in the wilderness. Why did God join with Moses and Aaron to count them? God said: "In order that one should not say, 'How could Moses and Aaron correctly count the crowds of Israel?' " Therefore, he who doubts the numberings of Moses and Aaron is to be considered as if he criticized God Almighty!⁵⁰ We have other, and earlier evidence that the numbers in the

⁴⁷ v. p. 196.

⁴⁸ Tanh. B. I, 91.

⁴⁹ v. above pp. 158 f.

⁵⁰ Num. r. 7.2.

Scriptures, and their exactness often gave rise to criticism.⁵¹ A preacher compares the virtue of work with the merit of the fathers. Jacob was saved owing to his own work, and not through the merit of the fathers in his contest with Laban. We derive hence the teaching that a man should not say: "I will eat and drink, and see good, but I will not toil, for Heaven will provide for me!"⁵² This saying can be combined with another by Ulla, in the name of R. Ḥiyya b. Ammi, who teaches: Greater is he who earns his own living than he who fears Heaven.⁵³ How short do these views fall compared with the preaching of R. Eleazar of Modi'im: "He who says, 'what will I eat tomorrow' is one of those who have little faith in Heaven."⁵⁴ The change of attitude towards this problem between the teacher of Modi'im and the preachers of the third century seems to me most remarkable!

(d) A fourth diatribic form in the Haggadah applies the term: *למי שאומרים* or *חשובה למי שאומר* connecting the reply with the alleged interruption of the interlocutor. We quoted above an instance,⁵⁵ which probably opened a new source for the history of the Jews after the age of Emperor Julian. An earlier passage uses this form to refute the views of heretics, who deny the existence of the heavenly kingdom, who allege the existence of two powers, and who teach, that God can neither revive, nor is death in his power, he could perform neither good, nor evil.⁵⁶ Atheists, Dualists and Epicureans stand in the background of this Haggadah. We come across the same term in a refutation of the Christian dogma, teaching the idea of God's son.⁵⁷ This apology, or polemic utterance is not earlier than the fourth century.

(e) We turn now to arguments, allegations, accusations and libels, which are repeated in Rabbinic homilies in the name of a whole set or group of people. Up till now, we considered any-

⁵¹ e. g. the interlocutor of R. Johanan b. Zakkai.

⁵² Tanḥ. f. 39b, Num. r. 22.9 ואשרתה ואראם אכל ואשתה ואראם למר שלא יאמר אדם כטוב ולא אשרתה עצמי וכן השמים ירחמו.

⁵³ b. Ber. 8a הנהגה מיניעו יוחר מירא שמים.

⁵⁴ Mek. 26a, b. Sota 48a, Exod. r. 25.14, Tanḥ. f. 88b, Ev. Math. 6.30, Epictetus, *Dis.* 1.9. 19. Bergmann in Cohen's *Judaica*, p. 158.

⁵⁵ v. p. 198.

⁵⁶ Sifre Dt. § 329, Midr. Tann. p. 202.

⁵⁷ M. Ps. ed. Buber p. 28, v. also ed. Prag 4b.

mous interlocutors, whose words or views were quoted by homilists, without disclosing names, characters, origins, or positions of the respective persons. Some parallels, or sometimes the contents, clearly point to the source whence they came. Here we consider, first of all, sayings ascribed to the *nations of the world*, introduced by אֱלֹהֵי מוֹנִים or אֱלֹהֵי אֻמִּים or אֱלֹהֵי יַמְרֵי אֱלֹהֵי. These sayings cover the whole ground of anti-Jewish polemics of the first four centuries, and reveal the darkest background of Rabbinic Apologetics. The polemical interlocutions touch Israel's relation to God, Israel's past, present and future, Israel's belief and Bible, character and achievements. Some of these calumnies and shortcomings, faults and blasphemies lived a miserable existence for more than a millenium in word and script, and are heard up to this hour of writing in the literature of the gutter and the press of the mire. No wonder! They originated there, in the ale-houses of Alexandria, in the dens of wretched, vainglorious humbugs, in the defiled hearts of philosophic charlatans, who successfully bamboozled their stupid contemporaries with second-rate stunts and slogans. Pious Church Fathers were infected and used those hateful words in the misguided campaign against the sanctity of the Synagogue. Other attacks were illegitimately born under the shadow of narrow and petty pulpits of the Ancient Church. Some are the wild fruits of the bitter struggle between Early Christianity and Judaism, written with the poisonous quills of prejudice by men, whose professed task it was to spread love and benevolence. It would have been less than human, if some of the Scribes had not paid back their arch-enemies with the very same coin. The anti-Jewish polemical literature produced such networks of falsehood and tissues of the most abominable, humiliating accusations that one could not be surprised at the history of that most disgraceful historical appearance, called in want of a better name, Anti-semitism.

The limited space at our disposal here, does not permit a full description of this awful fight, which may be regarded as one of the most tragic chapters of the history of human intellect. But merely the brief items can be pointed out, which are grouped together under the diatribic form: אֱלֹהֵי אֻמִּים. *God*, or the

God of Israel, was depicted as cruel, and weak. The pagan mind was not so much concerned about God, whom they somehow could tolerate or ignore, although the Scribes assert that the nations of the world hate God. This very fact was supposed to be the hidden secret of the great enmity against Israel, God's people, representing the King of Heaven on earth. God's relation to Israel, and Israel's loyal adherence to God, was a thorn in their side. Where is your God? How is he superior to all other Gods? Did he not perish, when his House was destroyed? Is there a God, whose believers are defeated, and whose people are exiled? Could an almighty God suffer his city, his temple to become a prey of flames, his adherents the victims of a foreign sword, and the survivors of that catastrophe the exhibits of the slave-markets all over the world? Christians adapted and developed these pagan taunts by asserting that they are the true Israel, God has forsaken Israel, moreover they never have been God's people, by the *deed of the calf* they broke the divine covenant. To the heathen mind the national misfortune was a proof of God's weakness, to the Christian a weapon in their propaganda that Israel is rejected by God, and his love and grace transferred to the New People. The Apostles of Love found out that God hates Israel. They never will be redeemed. God loves the nations of the world, and finds no pleasure in Israel. Israel has to assimilate either with pagan, or with Christian Rome. Both stretched out their loving arms to embrace the Jews. Many succumbed, yet the old remnant kept to God. Thus, the blackening of the Jews goes on for many centuries, with greater or lesser force, to this very day. We hear: "The Jews are idolators, immoral, guilty of bloodshed, robbers, they are the descendants of Egyptians, lepers, despised and low people, never of any use to the world, enemies of law and society, an obstinate, stiff-necked race!" This catalogue of misdoings and faults on the part of the Jews is much longer than could be copied in this place. It is most instructive for the inner relation of Judaism to Christianity that the latter is styled by the same title, as is used for the pagans by early writers of the Church as well as by Jews. Both appeared to the Jews as the nations of the world. Christians were no longer in the eyes of the Jews the small group of Nozrim, or Posh'e Israel, they became estranged

altogether. Further it is to be noticed that neither pagans nor Christians attacked the Bible as such; the former, with very few earlier exceptions, out of indifferentism, the latter out of veneration for the sacred texts. This was left to the Minim, whose interlocutions engaged our attention in the first chapter.

(f) In conclusion, a few instances of the Diatribic form of *אֵל תַּחְמָה*, "do not wonder," may be given. It is used when the preacher indulges in depicting miracles, or repeating legends from the pulpit. There must have been critics among the audience, who by shaking their heads, or faint smiles, showed their disapproval. For instance, when describing Moses' endeavour to find Joseph's coffin. He was directed by Serah, the daughter of Asher. Moses took a pebble (*צֶרֶד*) cast the same into the Nile, and the coffin came floating to the surface. There may have been a stir among the hearers, and the preacher uses *אֵל תַּחְמָה* to alleviate their surprise and amazement by repeating the story of II Kings 6.6.⁵⁸ R. Levi teaches in the name of R. Simeon b. Menasya that the heel of Adam darkened the sun;⁵⁹ and adds *אֵל תַּחְמָה*, a man who makes two bedchambers (*קִישּׁוּנִים*, *κειτώνας*), one for himself, the other for his household, which will be more beautiful? the latter or the former? Surely the former! Adam was created for the service of God, the sun for the use of man. R. Berechiah expounded the irrationalistic doctrine that Solomon's temple was not built by human hands, but it was ready-made. Even the stones came from great distances, and placed themselves in the layer (*דִּימֹס*, *ῥήμος*). This strange teaching, naturally, provoked amazement. Thereupon Dan. 6.18 is quoted. Are there stones in Babylon? Certainly not, but a stone flew from Palestine and settled itself on the mouth of the pit.⁶⁰ These, and many more instances, which can be adduced,⁶¹ prove clearly that the statements of the preachers were not accepted on their face-value, but criticised.

London, 4 July, 1928.

⁵⁸ Mek. 24ab, Tosefta Sota 300, v. Marmorstein, Beitrage I in Dr. Grunwald *Jahrbuch* I 281-288 for parallels and explanation.

⁵⁹ Pes. B. 36b and Parall.

⁶⁰ Cant. r. 1.5 and Parall.

⁶¹ Gen. r. 4.9 and Parall.

Die zehn Sephirot im Sepher Jezira.

Von Leo Baeck.

In einem Aufsatz unserer Monatsschrift — 1926, S. 371 ff. — ist dargelegt worden, wie das Sepher Jezira in seinen grundlegenden Lehren, denen von der Sephira, dem triadischen Gesetz, dem Erkenntnisweg und dem Mittelpunkt, durch die Philosophie des Proklus bestimmt wird. Im folgenden soll an der Bedeutung der einzelnen Sephirot dieser Nachweis fortgeführt werden. Er soll zugleich Zeichen eines Persönlichen sein; er soll von der großen Dankbarkeit zeugen, die der Arbeiter auf jedem Gebiete der Wissenschaft vom Judentum dem Manne schuldet, dem dieses Heft in all seiner Mannigfaltigkeit zugeeignet sein darf.

רוח

Der neunte und zehnte Abschnitt des ersten Kapitels sprechen, in dem unserem Buche eigenen emphatisch-liturgischen Stil, von den ersten beiden Sephirot. Die Sephira „Eins“ wird als „Geist des lebendigen Gottes“ und als „heiliger Geist“ bezeichnet, die Sephira „Zwei“ als „Geist aus Geist“¹. Aus jüdischen Gedankengängen, sei es haggadischen, sei es mystischen, kann diese Zweiteilung des Geistes nicht abgeleitet werden. Dagegen macht die Philosophie des Proklus, und erst sie, deutlich erkennbar, was diese beiden Begriffe meinen, und weshalb zwischen ihnen geschieden ist.

Für die Lehre des Proklus ist nämlich eines vornehmlich kennzeichnend, und er weicht darin von seinen Vorgängern ab; er setzt über die Vernunft noch ein besonderes Vermögen der Seele. Die Erwägung, die ihn hierin leitet, ist die folgende: da, nach dem bekannten Grundsatz des Empedokles, Gleiches nur von Gleichem erkannt zu werden vermag, so kann das höchste Göttliche nicht durch die eigentliche Denkkraft erfaßt werden, sondern nur durch eine darüber hinausgehende Kraft. Da nun das erste Göttliche mit dem obersten Einheitlichen gleichgeltend ist, so kann es sich auch nur einem besonderen Einheitlichen der Seele darbieten. Diesem Einheitlichen gibt Proklus einen bildhaften Namen; bald heißt es, mit einem Worte aus den sogenannten

¹ עשר ספירות בלימה אחת רוח אלהים חיים ברוך שמו הוא רוח הקודש שמים רוח מרוח

Chaldäischen Orakeln, die „Blüte der Denkkraft“, *ἄνθος τοῦ νοῦ*, bald auch der „Gipfel der Seele“, *ἀκρότης τῆς ψυχῆς*¹. Nur durch dieses „Einheitliche unseres Wesens“, *τὸ ἐν τῆς οὐσίας ἡμῶν*, reichen wir an das Göttliche heran und wird die Vereinigung mit dem Ureinen vermittelt².

Dieser begrifflichen Trennung einer obersten Denkkraft von der eigentlichen Denkkraft entspricht es ganz, wenn hier unser Autor einen obersten Geist von dem aus diesem erst hervortretenden Geist scheidet. Daß er den ersteren, diesen „Gipfel des Geistes“ als den „heiligen Geist“, den „Geist des lebendigen Gottes“ bezeichnet, ist seinem eigentümlichen Unternehmen gemäß, Begriffe der griechischen Philosophie in das biblische Denken und die biblische Sprache zu übertragen. Dieser Benennung kam zudem die jüdische Ueberlieferung entgegen; sie hatte in dem „heiligen Geist“, von dem die Bibel spricht, — schon das Targum übersetzt so — die Kraft der Prophetie, diese höchste, offenbarende Erkenntnis gefunden, in der sich der Eine, Gott, dem Menschen erschließt³.

רוח מרח

Die eigentliche Denkkraft wird von unserem Autor „Geist aus Geist“ genannt, und diese Bezeichnung fügt sich dem Prinzip des Proklus ein, daß das Zweite immer Teil am Ersten hat⁴. Von dieser Denkkraft ist gesagt⁵: „Zehn Zahlen, in sich geschlossen, überwesentlich — Zwei ist Geist aus Geist. In ihn hat er satzung-

¹ In Plat. Theol. I, 3 τῇ δὲ ἀκρότητι τοῦ νοῦ καὶ, ὡς φασι, τὸ ἄνθος καὶ τῇ ἐπαρξίν συνάπτεσθαι πρὸς τὰς ἑνάδας τῶν ὄντων καὶ διὰ τούτων πρὸς αὐτὴν τῇ πᾶσιν τῶν θεῶν ἐνάδων ἀπόκρυφον ἔκωσι.

² In Crat. S. 51 τὰς γὰρ οὐσίας αὐτῶν — sc. τῶν θεῶν — ὡς ὀρέητους καὶ ὀγνώστους μόνῳ τῷ ἄνθρωπῳ τοῦ νοῦ θεωρεῖν καταλείπει. Ibid. S. 70 τῷ γὰρ ἄνθρωπῳ τοῦ νοῦ καὶ τῇ ὑπάρξει τῆς οὐσίας ἡμῶν αὐτοῖς συνάπτεσθαι πεφύκαμεν. De prov. et fato ep. 24: fiat igitur unum, ut videat τὸ unum, magis autem, ut non videat τὸ unum; videns enim intellectuale videbit et non supra intellectum et quoddam unum intelliget et non τὸ autounum.

³ Vergl. in Parm. VI, 52 κατὰ τὰς ἑαυτῶν ἀκρότητας καὶ ἐνόητας ἐνθουσιασῶσι περὶ τὸ ἐν καὶ εἶσι θεῖαι ψυχαί. Über den „heiligen Geist“ vergl. Moore, Judaism I, 237 f.

⁴ Vergl. Zeller, Philos. der Griechen III, 2⁵, S. 858.

⁵ Sepher Jezira I, 10: שנים רוח מרח חקק וחצב בה עשרים ושנים אותיות יסוד שלש. אמות ושבע כפולות ושנים עשרה משושות.

gebend eingezeichnet und bestimmend eingegraben¹ zweiundzwanzig Urzeichen²: drei Mütter, sieben Doppelte und zwölf Einfache“. Und auch dieser Satz weist auf Proklus zurück.

Das System des Proklus läßt nämlich zuerst innerhalb des *νοῦς*, dieser eigentlichen Denkkraft, die ein Denken des Ersten ist, eine Vielheit aus der Einheit hervorgehen, eine von der Einheit umfaßte Vielheit. Sie ist die Welt des Paradigmas, der intelligiblen Ideen oder, was hier dasselbe ist, der intelligiblen Zahlen, die das Bindeglied zwischen der einheitlichen, intelligiblen und der intellektuellen Welt darstellen³. Eben dieses sagt auch unser Satz: in den „Geist aus dem Geist“ ist eine erste Vielheit eingezeichnet, eingeschrieben, die der intelligiblen Zahlen-Ideen. Sie benennt unser Autor mit dem Worte *מחמה*, welches sowohl Zeichen, Paradigma wie auch Buchstabe und Ziffer bedeutet. Wenn er den drei ersten von ihnen den Namen „Mütter“ gibt, so kann auch dies auf Proklus zurückgehen. In der für ihn üblichen Art, metaphysische Annahmen und religiöse Vorstellungen in einander zu setzen, so daß ihm die Zahlen zugleich die Götter sind, bezeichnete nämlich Proklus diejenigen Urzahlen, an denen das Moment des Hervorgehens, der *πρόοδος*⁴, gegenüber denen des Bleibens und der Zurückwendung, bestimmender ist, als die drei weiblichen Götter, die mütterlichen Kräfte.⁵ Ebenso konnten sich für unseren Autor die sieben Doppelten, die sich ihm aus dem hebräischen Alphabet ergaben, vielleicht an die planetarische Siebenzahl angelehnt haben, nach der für Proklus die intellektu-

¹ Es ist unserem Autor eigentümlich, daß er neben Wortspielen wie *מלה* und *מלה*, I, 3, oder *מלה* = in sich geschlossen, sich selbst genügend, überwessentlich, und *מלה*, I, 8, = Verslossenheit, Mystik, auch doppeldeutige Worte liebt. So hier *קנה* = einzeichnen und = Gesetz geben, *חנן* = eingraben und = bestimmen. Vgl. Prov. 8, 27 f.

² *סוד* bezeichnet in unserem Buche das, woraus das Folgende hervorgeht, das Paradigmatische.

³ Plat. Theol. III, 14, IV, 28. Die Sephirot sind, wie MGWJ 1926, S. 371 f. gezeigt, die überwessentlichen Zahlen, die absolut einfachen Einheiten, die, nach Eigenschaften und Kräften verschieden, das überseiende Eins mit dem Seienden, das Urwesen mit seiner Offenbarung verknüpfen. Die *מחמה* sind die Ideen, die paradigmatische Welt.

⁴ Siehe MGWJ 1926, S. 372 f.

⁵ Plat. Theol. IV, 1 f.

ellen Götter geordnet sind, die den Uebergang des Intelligiblen an das geteilte Sein vermitteln¹.

מים מרות

Von der folgenden Sefhira wird gesagt: „Drei ist Wasser aus Geist. Darin hat er satzunggebend eingezeichnet und bestimmend eingegraben ein Tohu und Bohu, einen Schlamm und Lehm; er hat sie satzunggebend eingezeichnet ähnlich einem Beet, hat sie bestimmend eingegraben ähnlich einem Wall, hat sie fügend eingewirkt ähnlich einem Estrich“.

Auch zu dem Verständnis dieses Satzes leitet erst die Philosophie des Proklus. Das Triadische, mit dem dieser sein System durchgehend, bis zur Eintönigkeit, ordnet, führt er auch in das Ganze der Denkkraft ein. Das Gebiet, das für seinen Vorgänger Plotin die eine Denkkraft, der νοῦς ist, zerlegt er in drei Sphären, das Intelligible, das νοητόν, das er mit dem Sein gleichsetzt, das Intellektuell-Intelligible, das νοητὸν ὅμα καὶ νοερόν, das er als das Leben auch bezeichnet, und das Intellektuelle, das ihm das Denken ist². Von diesem Leben, das ihm „das aus den Prinzipien Hervorgehende“, τὸ πρόιον ἀπὸ τῶν ἀρχῶν, ist³, sagt er, daß sein Symbol das Wasser sei⁴. Dieses intelligible Leben, das aus dem intelligiblen Sein folgt, konnte unser Autor dement-

¹ Plat. Theol. V, 1 f. Vergl. Zeller, a. a. O. S. 863. — Es wäre möglich, daß auch die Bezeichnungen מלחם und מים, in einer, unserem Autor eigenen, Doppeldeutigkeit sich an Gedanken des Proklus anschließen. Für diesen ist die Bewegung eine, der Entwicklung entsprechende, dreifache: die kreisförmige, die dem obersten Hervorgehenden zukommt, dann die spiralförmige der Zurückwendung und schließlich die gerade des Bleibens — vergl. Hugo Koch, Ps. Dionysius Areopagita, S. 83 ff. und 151 f. Das Wort מלחם bezeichnete dann nicht nur: doppelt, zwiefältig — s. Sefh. Jez. IV, 2 —, sondern auch: herumgelegt, gekrümmt, also spiralförmig, und מים nicht nur einfach, sondern auch gerade.

² I, 11: שׁל מים מרות קקן בהם נח ובוהו ושר ושרי קקן במין גורג צחן במין חומה. ³ I, 11: ככח במין משיגה. Auch das Wort ככח hat hier seine Doppeldeutigkeit: durchweben, wirken, und bedecken, schützen.

³ Vergl. Zeller a. a. O. S. 857 f.

⁴ Plat. Theol. III, 9.

⁵ In Tim. 318 A: Ζη ζς γάρ τὸ ὑγρόν σύμβολον διὸ καὶ λιβαῖα καλοῦσιν αὐτὴν (sc. die Weltseele) τῆς ὁλγς ζωογονίας. Plat. Theol. IV, 15 εἰ λειψόνες τῆς ζωογονίας ψέρουσι τὸ ὕδωρ σύμβολον.

sprechend „Wasser aus Geist“ nennen. Er konnte hier zugleich einem haggadischen Satze folgen, der Wasser, Geist und Feuer vor der Welt erschaffen sein ließ¹. Auch haggadischen Auslegungen des Genesiswortes vom „Geiste Gottes, der über dem Wasser schwebte“² schloß er sich damit an. Ganz so hätte sich ja auch Proklus auf einen seiner Vorgänger stützen können, dessen Worte er bisweilen anführt, auf Numenius aus Apamea, der sich auf jenes Genesiswort einmal beruft³, denselben Numenius, für den sein Meister Plato „ein attisch redender Moses“, *Μωσῆς ἀττικίζων*, gewesen war⁴.

Von Proklus her wird auch verständlich, was unser Autor, entsprechend den Urzeichen im Geiste, nun in das „Wasser“ eingeordnet sein läßt. Unser Satz nennt es „Tohu und Bohu, Schlamm und Lehm“. An sich schon ist es klar, daß der Vergleichungspunkt hier etwas, was gemischt ist, sein soll. Aber ganz deutlich wird das, was gemeint ist, durch die Lehre des Proklus. Sie bezeichnet das erste Wirkliche, das zuerst Seiende, *τὸ πρῶτως ὄν*, das darum auch *οὐσία*, Wesen⁵, heißen darf, als das Gemischte, *τὸ μίχτόν*. Es ist das Ergebnis von Grenze und Unbegrenztem⁶, und es gehört mit diesen beiden zu der ersten intelligiblen Trias hin⁷. Dieses „Gemischte“ des Proklus erscheint in unserem Satze als „Tohu und Bohu, Schlamm und Lehm“, und als Vergleiche für das Produkt von Grenze und Nichtbegrenztem werden Beet, Wall und Estrich hingestellt. Es ist nun unverkennbar, was diese Vergleiche besagen wollen.

¹ Exod. rabba XV, 22 Anf.

² Gen. r. II, 5 f.; Chag. 12a und 14b; Jer. Chag. 77a und o.

³ Numenius bei Porphy., *De antro Nymph.* 10: *προξίζων* (sc. Platon) τῷ ὕδατι τὰς ψυχὰς θεοπινόη ἔντα. διὰ τοῦτο καὶ τὸν προφήτην εἰρηγμένα ἐμφέρεσθαι ἐπάνω τοῦ ὕδατος θεῶν πνεῦμα.

⁴ Clemens Al., *Strom.* I, 342 C.

⁵ Plat. *Theol.* III, 9.

⁶ Plat. *Theol.* III, 9. Es ist möglich, daß ein in bezug auf die drei Mütter *שׁמ״א* Gesagtes, III, 8 ff.: *קצר לו כתר*, sich auch auf die Grenze bezieht; verb. *כתר* = umgeben, umschließen.

⁷ Plat. *Theol.* III, 12: *τοιούτη μὲν αὖν . . . τῶν νοητῶν ἡ πρωτοκτῆ τριάς, πέρας, ἀπείρου, μίχτων*. Vergl. Zeller a. a. O. S. 855 Anm. Über dem *μίχτόν* stehen die *ἀμυγαί*; zu diesen vergl. MGWJ 1926, S. 372.

אש ממים

Der zwölfte Satz gilt der weiteren Sephira: „Vier ist Feuer aus Wasser. Darin hat er satzunggebend eingezeichnet und bestimmend eingegraben den Thron der göttlichen Glorie, die Sera-phim und die Ophanim und die heiligen Chajot und die Boten des Dienstes“¹.

Auch hier spricht wieder zuerst eine haggadische Ueberlieferung mit; es war eine alte Anschauung, daß die höheren Wesen Feuer seien². Damit konnte sich ein Gedanke des Proklus wieder verbinden; er erklärte, im Anschluß an die alte stoische Lehre vom Feuer, daß die Leiber der Götter aus feinstem, immateriellem Lichte genommen seien³, das durch alles hindurchgehen könne⁴. Aber das Entscheidende ist hier ein anderes: die Sonderung der Sephirot entspricht hier wieder dem System des Proklus; für diesen heißt die erste Trias der intellektuell-intelligiblen Götter — er glaubt darin Platos Phädrus zu folgen — der überhimmlische Ort⁵, das also, was für den Juden „der Thron der Herrlichkeit“ hieß. Sprachen also die vorangehenden Sätze unseres Buches von dem obersten Intelligiblen, so jetzt dieser Satz von dem obersten Intellektuell-Intelligiblen.

חתם

Von den letzten sechs Sephirot spricht der dreizehnte Abschnitt: „Fünf — er hat Höhe gesiegelt und hat hervorgehen lassen nach oben . . . ; Sechs — er hat Tiefe gesiegelt und hat hervorgehen lassen nach unten . . . ; Sieben — er hat Osten gesiegelt und hat hervorgehen lassen nach vorn . . . ; Acht — er hat Westen gesiegelt und hat hervorgehen lassen nach hinten . . . ; Neun — er hat

¹ ארבע אש ממים חק וחצב בה כסא הכבוד שרפים ואופנים וחיות הקדש ומלאכי השרת.

² Gen. r. 78, 1; Exod. r. 15, 7; Jer. Rosch hasch. 58a. Vergl. II Hen. 29; II Bar. 59, 11.

³ Vergl. Zeller a. a. O. S. 872. Dionysius Areopagita, der ebenfalls von Proklus herkommt, sah Gott und die Engel im Bilde des Feuers, dargestellt als Feuergestalten, ἀπὸ φωτός: ἀπὸ φωτός. — Ep. 9, 2 —.

⁴ Zeller a. a. O. Anm. 1 u. 2. Vergl. die stoische ἀπὸ φωτός: ἀπὸ φωτός. Von hier aus gewinnt auch das Wort Seph. Jez. II, 6 אֵיר שְׁאִינוֹ נִתְּחַשׂ „Luft, die nicht festgehalten wird“, seine Erklärung.

⁵ Plat. Theol. IV, 37.

Süden gesiegelt und hat hervorgehen lassen nach rechts . . . ; Zehn — er hat Norden gesiegelt und hat hervorgehen lassen nach links . . .“¹

Alles, was hier gesagt ist, gewinnt wieder von Proklus her seine Bestimmtheit. Zunächst die Vorstellung vom Siegel. Proklus will die μέθεξις, die Teilnahme am Höheren, durch die etwas mit der Idee erfüllt ist, bildlich erklären, und er gebraucht hierfür, neben dem alten platonischen Bilde vom Spiegel, auch das, schon von Philo und dann auch von Plotin gern gebrauchte², vom Siegel. Die Ideen sind das Siegelnde, sie geben ἔχθος τι ταυτῶν καὶ τύπον, „eine Spur und ein Gepräge von sich“³. Ganz so ist das Bild hier gebraucht. Die Sephirot sind die überwesentlichen Einheiten der Raumerstreckung; sie sind deren Siegel, die der Schöpfer aufdrückte, so daß, wie vorher gesagt war, „sein Wort in ihnen ist“⁴. Sie sind nicht der Raum selbst in seinen sechs Erstreckungen; sondern, als dessen überwesentliche Einheiten, eben dessen Siegel. Das, was in früheren Sätzen als „einzeichnen, eingraben“ bezeichnet worden war, wird hier, als Wort für Erstreckung, „hinwenden“, erstrecken, hervorgehen lassen, פנה genannt. Ebenso geht die Vorstellung vom Raum, die hier zu Grunde liegt, auf Proklus zurück. Für diesen ist der Raum ein Göttliches und Beseeltes, ein feinstes Licht, der kugelförmige, alles durchdringende und durch nichts geteilte, Lichtkörper der

¹ חמש חתם ופנה למעלה וחתמו ביהו שש חתם תחת ופנה למטה וחתמו ביהו שבע חתם מורה ופנה לפניו וחתמו בהירו שמנה חתם מערב ופנה לאחוריו וחתמו בהירי תשע חתם דרום ופנה לימינו וחתמו בויה עשר חתם צפון ופנה לשמאלו וחתמו בויה יי. Diese sechs Teilvariationen im Tetragrammaton sind Bezeichnungen dafür, daß in den Raumerstreckungen je ein verschiedenes Siegel Gottes, d. h. eine verschiedene von Gott hervorgehende Kraft, aber doch nicht die ganze Kraft Gottes ist. Die Bezeichnungen für Kombination bzw. Kombinierbarkeit und Variation bzw. Variationsfähigkeit sind in unserem Buche: צרף; ומיר = wechseln, verbinden, tauschen; שקל = ausgleichen s. II, 4 u. IV, 6 ff.

² Philo, De mundi opif. I, 17; de migr. Abr. I, 451 u. 466; leg. alleg. I, 107 Mang. Plotin Enn. I, 1, 7; III, 6, 9.

³ In Parm. V, 71 ff.

⁴ S. MGWJ 1926, S. 373. Vergl. Seph. Jez. III, 2: יתחם בשש טבעות

Welt¹. Eben das ist er für unseren Autor: aus Feuer², hervorgehend aus überwesentlichen Einheiten, aus Sephirot³.

*

Mit der Lehre von den Sephirot, die durch das Sepher Jezira in das Judentum eingeführt worden ist, trat in dasselbe, besonders in seine Mystik, ein Problem ein, das seitdem das Denken nicht mehr losgelassen hat, das Problem, wie das Eine, das Schöpferische die Gegensätze und die Verschiedenheiten aus sich entläßt. So sehr sich Inhalt und Bezeichnung der Sephirot später änderten, das Problem war immer dasselbe. Eines ist hierbei in unserem Buche ein Charakteristisches und Bestimmendes und ist es in der jüdischen Mystik stets geblieben: an dem einen, einzigen Gott, wie die Bibel ihn verkündet hat, hielt das Denken immer, auch in dieser Problematik, unbeirrbar fest. Die Gefahr eines eigentlichen Pantheismus und eines Pankosmismus blieb damit fern.

Ebenso ist ein anderes in unserem Buche und dann später in der gesamten jüdischen Mystik feststehend: die Idee der Erwählung Israels. Abraham ist der zur mystischen Erkenntnis Berufene gewesen, so schließt unser Buch, er ist der Mann, dem sich die Sephirot erschlossen haben, der zum Mittelpunkt hingelangt ist. Mit ihm und zugleich mit seinen Nachkommen hat der eine Gott diesen Bund geschlossen. Auch damit war hier eine Gefahr der Mystik ferngehalten. Alle Mystik stellt das Individuum aus der Gemeinde heraus und damit leicht gegen die Gemeinde⁴. Durch die deutliche und stetige Betonung dieses Erwählungsgedankens wurde dem Individuum sein Platz in der Gesamtgemeinde, seine innerste Verbindung mit ihr gewahrt.

¹ In Remp. II, 197 f. Vgl. Zeller a. a. O. S. 71 f.

² Der Ableitung der Sephirot — zusammengefaßt I, 14: אלו עשר ספירות — בלימה רוח אלהים היום רוח מרחם מים מרחם אש ממים רוח ותחת מורה ומערב צפון ודרום — entspricht es, wenn die Sephira Fünf, und durch sie die folgenden, aus Vier abgeleitet wird = רוח מאש.

³ Von den Sephirot des Raumes sind die אמות des Raumes geschieden; s. IV, 4.

⁴ Vergl. Elbogen, Der jüdische Gottesdienst, Ergänzt. zu den Anmerk. der 2. Aufl., zu § 44, 5 ff.

6.

HILLEL'S LIFE AND WORK

BY ARMAND KAMINKA, TEL AVIV, PALESTINE

I. THE UNHISTORICAL LEGENDS ABOUT HILLEL

The sources, from which we may derive facts about the lives of the Tannaim of the century before the destruction of the Temple, are very meager. We must rely on legends as most of the historians do; but unfortunately these legends, although numerous, are mostly figments of the imagination. Or we may recur to historical reconstruction, even though it contradicts the traditional conception. What do we know about Shemaiah and Abtalion, predecessors of Hillel? The legends told about them, that both were of gentile descent, are not to be accepted seriously, if we would believe that they were at any time the *Nasi* and the Chief Justice at Jerusalem. About the life of Hillel, who is presented as their disciple and who surely may be considered as the founder of Rabbinical Judaism, we hear: that he came as a poor man from Babylonia, had an ingenious controversy with the doctors of the Law on the question whether the sacrifice of Passover was to be slaughtered on the 14th day of Nisan even if, as then occurred, this day fell on Sabbath; and when it was realized that he was the only one who knew the ritual, he was made *Nasi*. However if we look critically at this report (besides some fantastic details, such as, that because of his poverty he had not the small sum of money asked for payment in the Beth Hamidrash and could not enter, for never had any poor scholar in Jerusalem to pay for the teaching of the Law) we find the alleged facts very improbable if not impossible. Surely any priest or ordinary servant of the

Temple in Jerusalem could have testified with certainty as to how the ritual of the Passover sacrifice had been performed through long generations when the 14th day of Nisan fell on a Sabbath. Besides, the controversy on the significance of the biblical term *be-moado*, employed to settle the question, seems in reality to date first *from a time about one and a half centuries after Hillel*, as we find it in the Sifre (B'haalothka §65) between Rabbi Josiah and Rabbi Jonathan — evidently a new question theoretically only, at least three or four generations after the destruction of the Temple and the discontinuance of the sacrifices, when the practical rules were not generally known any more.

We must consider that the legend of this controversy with Hillel begins (Pesahim 66a) with *Tno Rabbanan*, which is in the Aggada, as I have already explained. On various occasions, it was customary to make a popular address to a great assembly, illustrated with fables and anecdotes, in order to arrive at ethical conclusions. The moral behind the above mentioned story concerning Hillel is that a "haughty man loses his wisdom."¹ The story of his privations and hardships (Yoma '35b) also begins *Tno Rabbanan* and is told² to show that "poverty is no excuse for neglecting the study of the Law."

Yet another story often used in the biography of Hillel is also only a didactic speech, beginning *Tno Rabbanan*. There (Shab. 32b) the ethical precept put forward is: "Always must a man be gentle — like Hillel"³ and the speaker endeavors to give a charming dramatic picture, showing that no one could succeed in making Hillel angry.

¹ Pes. 66b, in the name of Rab, as the conclusion of this story: כָּל הַמְּתִירָה, אִם חָכֵם הוּא חֲכָמָו מִסְתַּלַּק כִּמְנוּ. From all we know, Hillel never was a haughty man.

² As George Foot Moore, *Judaism*, vol. I (1927), 77, rightly remarks. לְעוֹלָם יֵהָא אָדָם עֲנוּוֹת כְּהִלֵּל.

It is usual to exaggerate the virtues of great men as examples to be followed.

Other facts introduced by historians must also be regarded as having only legendary value, such as his assumed origin from David. Many years ago Israel Lèvi brought strong arguments against this theory.⁴ Only at the time of Rabbi Judah ha-Nasi, when the Patriarchs in Palestine had to protect their superiority over the "Princes of the Exile" in Babylonia who prided themselves on their descent from the kings, did the adherents of the Palestinian *Nasi* begin to spread a Davidical genealogy.

Was Hillel ever endowed with the office of a *Nasi* or President of the Council? As a rule, big communities always chose their leaders in the same way. Whoever did not distinguish himself, either by his political accomplishments, his wealth or his social influence, had small chance of being elevated to a supreme office. Even the doctors of the Talmud point out that a leader must not only be wise, *hakam*, but also strong, *gibbor*, and rich, '*ashir*. It is therefore highly improbable that a poor man from a strange country should have been suddenly chosen for a high position. In the writings of Flavius Josephus there is no mention of such an office at that time. Geiger and Kuenen thought that the authors of the "Chain of the Tradition," who lived in the end of the second century, had supposed that the order prevailing during their time had been established more than three centuries before. Halevi (author of *Doroth ha-Rishonim*) suggests that after the banishment of the great Beth Din by the Romans in the

⁴ If he really was of Davidic origin he could not have been regarded as an unknown man. In the Acts of the Apostles 5.34, his grandchild R. Gamaliel is described only as "one of the council, a Pharisee, a Doctor of the Law, reputed among all the people" without mention of glorious origin, nor is there a trace of it in later generations, with R. Simon b. Gamaliel or R. Gamaliel II.

time of Herod, the most learned man was designated as *Nasi*. We have however no historical proof of this. Hillel is never actually called *Nasi* but only *Ha-Zaken*, this being a name for the great savants who had rather a moral authority and participated in the Sanhedrin. He was chiefly known as a spiritual leader "loving mankind and bringing them nigh to the Torah."⁵

II. WHERE DID HILLEL COME FROM?

I do not believe that Hillel came to Jerusalem from Babylonia, as is universally supposed. I am inclined to think that he came from Alexandria. More than the above mentioned later legends I regard as authentic a *Baraita* concerning the marriage law, which has no rhetorical or ethical purpose but which only conveys facts. In Baba Mezi'a 104 (as well as in Tosefta Ketubot 4) we read: It happened in Alexandria that when a couple was about to take the marriage vows, the bride would suddenly be taken away by another party. Thus a doubt was formed as to the propriety of the marriage to the extent of afterwards doubting the legality of the children. This question was brought to Hillel who promptly asked for the marriage contract. The document contained the phrase: "after you enter the bridal *hupa* you shall be my wife." In accordance with this phrase Hillel solved the problem.⁶

Another fact of biographical value seems to be contained

⁵ Not quite accurate is Maimonides' assertion, Hilcot Sanhedrin 4.5, וחכמים חילקו כבוד להלל הזקן והחזקו שלא יהא אדם נספך אלא ברשות הנשיא. The source is Yer. Sanh. 1.2, but there we read that even in the time of R. Johanan b. Zakkai and R. Akiba the authority of a *Nasi* to appoint judges was not yet established. Only later on the authority of the House of Hillel begins. The term להלל הזקן means, therefore (as ררבי' remarks), his descendants, לבית הזה (but not on account of Davidic origin).

⁶ אנשי אלכסנדריא היו מקדשין את נשותיהם... אמר להם הלל הזקן הביאו לי כתובת אמכם.

in the story which tells us that when the savants were assembled in Jericho a voice from heaven was heard saying: "... there is one among you who is worthy of the spirit of God, *Shekinah*, dwelling in him as in our teacher Moses."⁷ Jericho was then, before the time of Herod, under the rule of Cleopatra of Alexandria. This also confirms my suggestion. He was perhaps a member of the local Sanhedrin founded by Gabinius, distinguished himself by his modesty and ethical teaching, and came later to Jerusalem. We may add that there are those who believe (as Graetz) that Shemaiah and Abtalion were also formerly in Alexandria. During the rule of the Sadduceans the life of the Jewish savants in Egypt was safer than of those in Palestine, and in the earlier generation Joshua ben Perahiah lived there.

If we were to accept the fact that Hillel came from Alexandria, many things in his life and teaching would be explained. This however does not contradict his traditional designation as "The Babylonian" because Alexandria was sometimes referred to as Babylonia. In many instances in the Talmud (Men. 100; Yoma 66) it is said that the Babylonians mentioned in the Mishna were really Alexandrians. This is easily explained by the fact that from the time when the kingdom of Persia spread from India to Abyssinia all these countries were included under the name of Babylonia.

III. THE HISTORICAL BACKGROUND OF HILLEL'S ACCOMPLISHMENTS

One of the traditions which has no historical value is that Hillel lived for 120 years, that he came to Jerusalem at the age of 40, he continued his studies for another 40

⁷ Sanh. 71a: פעם אחת היו מסובין בעליית בית גוריה ביריחו וחנה עליהם: בת קול מן השמים יש כאן אחד שראוי שחשדה עליו שכונה... נתנו חכמים את עיניהם בהלל הזקן.

years and the last 40 years he was leader. It is sufficient to remark that these very same round figures are to be found in connection with the life of R. Johanan ben Zakkai and R. Akiba. These figures seem to be only an attempt to compare the lives of these great men to the life of Moses. The biographical kernel which is identical in all three lives may be the tradition that they all began studying late in life and after exhausting studies became leaders.

More historical weight must be put on the precise dates given by R. Ishmael son of R. Jose in the name of his father that Hillel, Simon, Gamaliel and Simon II had the consecutive leadership during one hundred years before the destruction of the Temple. Assuming that Hillel came to Jerusalem in his fortieth year in the beginning of the reign of Herod, we may presume that he was born about 75 B. C. E. In order to estimate his participation in the development of the theological and moral opinions and how his accomplishments became the origin of a new system which caused his name to spread until his children became Patriarchs, we must remember the great events which occurred in his time:

A) The kingdom was destroyed, independence was lost through the fault of the rulers, and subjugation to Rome followed.

B) The priesthood lost its moral influence and ceased to be honored by the people.

In the year 63 B. C. E. the most shameful occurrence of the time of the Second Temple took place. The brothers Hyrcanus and Aristobulus, both priests, grandchildren of the Hasmoneans, came before Pompey while he was at Damascus and lodged complaints one against the other. Hyrcanus claimed that Aristobulus robbed him of his rule, and Aristobulus pronounced Hyrcanus incapable. The people had no sympathy for either of them. Thus the

Romans again found a ready opening for their domination in this land as they had found in many other countries of the Orient. They appointed the weak Hyrcanus ruler and put Antipater the Idumean at his side. Herod, his son, became powerful and feared in the northern part of the country and, declaring all the patriotic Jews bandits, he persecuted them. In the year 47 B. C. E. he ordered all the followers of Hezekiah the Galilean to be killed. When the mothers of the victims went to Jerusalem and demanded justice, the Sanhedrin was forced to call Herod to judgment. He appeared before them in his purple robes, surrounded by his armed guard, and the judges dared not pass judgment upon him. Only one of them, as Josephus tells us, arose and chastised his colleagues. He warned them that this man whom they were acquitting would one day punish them. His prophecy came true. When Herod became king he ordered all the judges who had acquitted him, save Pollion and Sameas, to be killed.

There are those who think (Frankl, Dérenbourg, Schürer, Graetz, Dubnow) that these two men are identical with Shemaiah and Abtalion, but J. Lehmann⁸ brings many strong arguments against this. He supports the more plausible opinion, that Pollion was Hillel. He finds the additional argument for this in the Greek translation of Lev. 19.32, "before the hoary head thou shalt rise up" by ἀπὸ προσώπου πολιοῦ ἐξαναστήση. The Greek name Pollion corresponds perhaps with the Hebrew *Ha-Zaken*. Even though such a designation could have been given to him only at the end of his life and not at the time of the trial, we may assume that at the time that Josephus wrote Hillel was already of an age when he was universally known as *Ha-Zaken*.

⁸ *R E J*, XXIV, 68-81.

I found yet another supporting argument for this theory. In the Babylonian Talmud, *Kid.* 43a, we read: "If any one tells his messenger to go out and to kill someone, the murderer is guilty and not the sender; but Shammai says in the name of the prophet Haggai (it means: the teaching is derived from the book of the prophets) that the sender is guilty, as we find in the story of David and Uriah, II Sam. 12.9, that Nathan tells him: "Thou hast killed him with the sword of the sons of Ammon." This explains how the judges could have formally acquitted Herod. Although they in truth did it out of fear, they nevertheless must have found some lawful pretext for their judgment. Thus we see that the judges mainly followed the theory that a murderer is only the one who actually sheds the blood, and not the one who issues the command for the murder, such as Herod. Shammai, relying on the passage in the Book of Samuel, is the only one who is opposed to this opinion and declares the spiritual author guilty. Obviously then he is the Sameas mentioned by Josephus and his colleague is Hillel who was younger than Sameas but later became famous as a spiritual leader.⁹

If we consider the fact that the priesthood had fallen from its moral rank of enforcing the law, and teachers of the Torah arose from the midst of the people (this was the democratic tendency of the Pharisees) we understand the meaning of the well known word of Hillel which was directed against the Sadducean priests. It has already been told in the name of Shemaiah and Abtalion, who were regarded by the legend as proselytes, that when they met the high priest and he greeted them haughtily as humble

⁹ Josephus mentions in *Antiquities* 14, 9, 4 as well as in 15, 1, 1, only Sameas, but in the case of the advice which was given to open the gates before Herod he speaks of Pollion and his disciple Sameas, because at the time of his writing Hillel was already famous as the outstanding leader.

descendants of Gentiles, they replied: "Peace to those sons of the Gentiles who act as the sons of Aaron rather than to the sons of Aaron who do not act as they should."¹⁰ Hillel says "Be of the disciples of Aaron and be one that loves peace, that loves mankind and that brings them nigh to the Torah."¹¹

The fact, that in no previous place can we find any justification for the opinion that Aaron was prominent as an especially peace-loving man, makes us accept this explanation. All passages in the Talmud which speak of this quality of Aaron are later than this source and based only on this misunderstood Mishna or on Malachi 2.6, "He walked with Me in peace and equity" idealizing the tasks of the tribe of Levi.¹²

IV. HILLEL'S KNOWLEDGE AND PHILOSOPHICAL PRECEPTS

It is said about Hillel (Mas. Sophrim 16.9): "There was nothing in the science of the savants that Hillel had not learned, neither languages nor the nature of mountains and valleys, of trees and grasses, of animals and ghosts" (as we would say: philosophy, geography, botany and zoology). This is an important factor in our estimation of the extent of knowledge of science among the first tannaic leaders. The same praise was also accorded to Hillel's great disciple Johanan ben Zakkai. But Hillel's universal knowledge is also testified by another source which is well known although it has not been well used.

¹⁰ Yoma 71: ייחון בני עקמין לשלם דעבדין עוברא דאהרן.

¹¹ הוה מחלידיו של אהרן [והוה!] אוהב שלום ורודף שלום.

¹² The sentence of R. Eliezer son of R. Jose the Galilean (Sanh. 6b) that: "an arbitration instead of legal judgment is not permitted, and he who demands an arbitration commits a sin; Moses himself asked for a strict judgment" has as a later homiletic addition the remark "but Aaron was peace loving . . ." with the purpose of attenuating the keen assertion of R. Eliezer.

The details in legends about great men must not be accepted as true, but the general aspect they give of the heroes is always characteristic. When we examine closely the legend of the two men who made the wager as to who would succeed in making Hillel angry, we find very interesting details. The impertinent man, with the reward of the wager in view, went thrice, when Hillel was busy with his preparations for the Sabbath, to molest him with complicated questions. What does he ask? We would expect that Hillel being, as he is often represented in the Mishna, a teacher only of ritual and law, would be asked such famous questions as: Is it permissible to eat an egg laid on a holiday? or of some juridical matter. If, however, the man came asking questions on geographical subjects, we would expect him to be turned gently away by the modest Hillel who would say: "My dear son, unfortunately these questions are not in my field; I would advise you to turn to a scholar acquainted with these sciences." But what do we see? One of the questions is: Why are the heads of the Babylonians often abnormal? Hillel thinks of an appropriate answer and says that the Babylonian midwives are probably unskilled. The man goes away and returns with a second question: Why are the inhabitants of Palmyra often bleary eyed? Hillel reflects and explains the soreness of their eyes as due to the fact that they live in sandy regions. The third question is: Why are the Africans (or Phrygians) often flat footed? Hillel explains it by the fact that these people live in damp places in the lake districts. According to this legend those admirers of Hillel were of the common people, and Hillel himself regarded it as most natural that all questions of general science could be referred to him; it was his custom to explain anything.

It is significant that the legendary image of Hillel resembles that of the great Greek philosopher Socrates, or

any of the stoic savants. Thus we understand why most of the moral precepts which have come down to us from Hillel resemble those of Greek philosophers. If he had learned them, he must have had occasion to attend their schools, perhaps in Alexandria. If however they were his own, then they confirm the wide scope of his independent knowledge.

If we hear that by no occurrence could he be irritated, we remember that this is a virtue well known among the Stoics as *Ataraxia*, that is: not to be caught in a passion of anger or terror. Horatius describes the nature of these wise men in his famous verse: "Even if the entire universe should crash, the ruins would find the wise man unafraid."¹³ It is in connection with this virtue that we understand what the *Baraita* (Ber. 60a) tells us: Hillel was once on the highway and heard a great noise from the direction of the town. He remained calm saying he was certain that the disturbance did not occur in his house; in accordance with the verse from Ps. 112.7, "He shall not be afraid of evil tidings." It is clear that the moral of this story is not that this righteous man would have been happy only in the belief that a misfortune did not occur in his house; but that he was not affected by any misfortune. So Epictetus says that "if the crow croaks (which is accepted as a bad omen) the wise man does not pay any attention to it." Seneca says in praise of the poor man who despises material possessions: "If there is commotion anywhere he is not worried, for possessing nothing he has little to lose."¹⁴

Many other precepts of Hillel often correspond literally with precepts of Greek and Roman philosophers. He used

¹³ *Si fractus illabatur orbis,
Impavidum ferient ruinae.*

¹⁴ I had occasion to quote this passage in my *מחקרים ליסודי ההלכה*, *Hazofeh*, 1925, and to suggest that this story gave the origin to the Mishna Ber. 9.3.

to say: "If I am not for myself, who is for me?" (Abot 1.4.). Seneca (his ethical maxims are generally taken from ancient Greek philosophers), in his Moral Letters XXVII, says: "It is your duty to try your best in everything if you wish to succeed; there is no dependency upon others." "When I am only for myself, what am I?" Seneca, in his Natural Questions I.5, says: "A man is a despised creature if he does not rise above his own needs."¹⁵

"Be not sure of thyself until the day of thy death." (Abot 2.4). It is well known that the wise Solon said to King Croesus: "It is stupid for one to consider oneself happy before the last day of his life, for as long as he is alive he may encounter various misfortunes." The verses of Ovid in *Metamorphoses* III.135 are based on this: "We must wait for our last day and no one should consider himself happy till he dies and is buried."¹⁶

"Judge not thy associate until thou comest to his place" (ib.). Seneca, in *De Ira* III.12, says: "We should put ourselves in that place in which the man, whom we are angry at, is to be found."

"Say not, when I am at leisure I will study; perchance you will not be at leisure" (ib.). Seneca, in his letter XVII, says: "Do not excuse yourself with: I shall have leisure later and then I will seek wisdom." In Letter LXXII: "You must not postpone your philosophy to the time when you will have leisure." "More wealth, more care" — Abot 2.8. Hesiod, in his poem "Works and Days," says: "He who has more wealth shall have more care."¹⁷

"Nor does a shy person learn." Seneca, in his Letter L,

¹⁵ *Homo contempla res est nisi supra humana surrexerat* (*Nat. quaest.* I.5).

¹⁶ *Sed scilicet ultima semper*

Expectanda dies hominum dicique beatus

Ante obitum nemo supremaque funera debet.

¹⁷ πλέων μὲν πλεόνων μελέτη (*Εργα*, v. 380).

says: "He who is too shy to ask for a teacher shall never learn."

"He who increases not decreases," Abot 1.14. This is understood as a reference to studies, but it is probable that the intention is the same as in Seneca, *De Beneficiis* II.11: "You must always add on to every good deed you do. As a farmer who after sowing must still continue to work, so fathers must continue the care of their children even after their childhood. Who adds not, shall lose all he has done."

"Nor does one who engaged much in business impart wisdom" (Abot 2.6). The Stoics warn in many instances against wasting much time on business.

It is probable that two of Hillel's sayings were taken from the apocryphal book known as Ezra IV which according to my researches (in the Introduction to my Hebrew edition entitled "Visions of Assir Shaltiel," Tel Aviv, 1937) was written at the beginning of the Babylonian exile. One of the sayings is: "My humiliation is my elevation," taken from Ezra IV 6.49, and the other is: (the Almighty telling men) "if you come to My house I shall visit yours" derived from a passage in the above named book, 6.46, after my correction.

Hillel's desire to spread the knowledge of the Torah as a universal religion is especially important for one typical expression in his precepts. He appeals for the love of mankind, (בריות) and to bring them nigh to the Torah. The equivalent of this word in Greek is *Ktisis*, generally meaning "creature," but in the sense of human creature it is first used in the Gospel according to Mark 16.15: "Go into the world and preach the gospel to every creature."¹⁸

¹⁸ κηρύξατε τὸ εὐαγγέλιον πάσῃ τῇ κτίσει. See the Introduction to my Hebrew Commentary on the Song of Songs (Tel Aviv, 1930), p. 6.

It is clear that the origin of this request is in Hillel's earlier precept as quoted above.

The Gentile who approached Hillel, with the demand to be told the Torah "while standing on one foot," must be regarded as one of the highly intellectual Romans who was well versed in the philosophy of the time and was thirsty for higher religion. He had been accustomed to listen to the endeavors of Egyptian and Babylonian impostors who acquired pupils for their mysterious teachings, admitting them to a higher degree only after preparations taking many months (this was also practiced by the Essenes in Palestine). At the end of this long preparation the disciples realized that there was nothing worthy of their pains. That is why the Roman asked Hillel to teach him the essence of the Jewish religion immediately, כשאני עומד על רגלי אחת, that is, *stante pede* or without 'superfluous' preparation.

V. REFERENCE TO HISTORICAL EVENTS

Hillel's saying (Abot 1.14) "A name made great is a name destroyed" and the Mishna (Abot 2.7): "Moreover he saw a skull which floated on the face of the water and he said: Because thou drownest they drowned thee and in the end they that drowned thee shall be drowned" — seem to refer to great historical events of his time which he could have observed easily even while he was in Alexandria. After the battle of Pharsalus in the year 48 B. C. E. when Caesar's armies killed 15,000 of the men of Pompey, the man who called himself "The Great" (he is also so designated by Josephus as well as by Roman historians) escaped by ship to Alexandria. He hoped to find refuge with the Egyptian king but he was disappointed. The king, wanting to find favor with the victorious Caesar, commanded Pompey to be killed as the ship was approaching the shore.

The body was thrown overboard and there was none to bury it. Fifteen years after he had conquered Jerusalem and haughtily entered the Holy of Holies after having slaughtered many Jews in the city, his skull floated on the waves. The contemporary of Hillel, the author of the Psalms of Solomon, mentions this event and expresses his joy on his terrible end nearly in the same words as used by Hillel: "It was not long before God showed him to me as a despicable corpse floating on the waves of the sea and finding no burial."¹⁹ Seneca in his treatise on "The Shortness of Life" also emphasizes this event: "The man who tried to conquer Nature sent multitudes of men to be devoured by beasts and shed much blood . . . when betrayed near Alexandria . . . saw the futility of his byname, "The Great." Also in Letter XCIV Seneca speaks of Pompey's desire to appear yet greater after he was already great enough. Comp. נגיד שם with Hillel.

Thus it is difficult to doubt that Hillel's saying referred to Pompey and that it is to the skull of the latter that he addressed the verse in Aramean: על דאטיפת אטיפוך וסוף מטיפוך יטופון.

VI. ALEXANDRIAN INFLUENCE ON HIS EXEGETICAL RULES

At least one of the seven rules by which Hillel explained the Torah seems to be identical with a philological method known at the Alexandrian school. As I have already shown in my article on Biblical Exegesis, *Encyclopaedia Judaica*, IV, 623, the system of explaining any unusual term, by comparing it with a similar word in another place, is used by Aristarchus in explaining the songs of Homer. In the Halakah it is known as נזרה שוה; in Greek *δις λεγόμενα*. I believe this system was not originally used by Hillel in

¹⁹ τὸ σῶμα αὐτοῦ διαφερόμενον ἐπὶ κυμάτῳ (Ps. Sol. 2.31).

connection with juridical or ritual questions but when commenting on biblical passages in general. We understand his saying "When others scatter thou must collect" as is said in Psalm 119.126: "It is time to collect when they scatter the Torah,"²⁰ if we remember that *la'assot* is explained, as in Jer. 17.8, עשה עשר "collect," and *heferu*, as in Isa. 44.25, קפר, LXX: διασκέδασει, scatters, according to the Septuagint: διασκέδασαν, "they have scattered."

We may assume that the general philological revision of the Hebrew Scriptures and the establishment of the Masora dates from the third century B. C. E. and was influenced by the Greek Alexandrian school which edited with great erudition the books of the Greek poets.

²⁰ Ber. 63a: בשעת המפורים כנס . . . שנ' עת לעשות לה' הפרו תורתך

7.

THE SCHOOLS OF SHAMMAI AND HILLEL SEEN FROM WITHIN

By ISAAH SONNE

Ever since Geiger¹ made the schools of the Shammaites and the Hillelites emerge to light out of their respective academies, where they had remained confined for centuries, and placed them upon a political arena showing their relations to the two famous parties, the Sadducees and Pharisees, our outlook upon the two schools has grown steadily broader. Hitherto deemed remote from the turmoil of political passions, they were transformed as by a magic touch, into two combatant parties, one fighting for a dynamic progressive universalism, the other defending static reactionary particularism. This attitude, however, represented only the first timid appearance of the two schools outside of their academic spheres. More recent scholars have maintained that since the Shammaites belonged to the nobility and the Hillelites to the lower-middle class, the two schools must have participated in the social-economic struggle of the two classes,

¹ Geiger had expounded his theory in the *Urschrift und Uebersetzungen der Bibel*, 1857. R. Eliezer and R. Akiba in the main are cited as representatives of the Sadducean and Pharisean tendencies respectively, (*see the references in the Index*). Later on Geiger applied his theory to our two schools in general and to their controversies in particular, chiefly in the "Vorlesungen", 1864, and in a series of German and Hebrew articles (*see קבוצת מאמרים* ed. Poznanski, Warsaw 1910-12, p. 63, n. 1). Priority in formulating this theory however belongs to the Karaites who were the first to sense a certain affinity between themselves, identified with the Sadducees, and the Shammaites (דד מרדכי, Vienna 1830, pp. 10/11; Trigland j., *Diatribes de secta Karaeorum*, Hamburg 1721, p. 238). It is possible that Geiger, always attracted by Karaite literature, was influenced by the Karaites in conceiving his theory (cp. his letter to Pinsker in קבוצת מאמרים 340 ff., especially the note on p. 346).

It may be noted that Geiger's assertion there (p. 345) that the older Karaites did not show any leaning toward the Shammaites, and Graetz' more explicit statement (Hebrew ed. IV; p. 323) that the first to *invent* such affinity was Yepheth ibn Said (12th cent.) — seem very questionable. Indeed, a fragment of

and that hence the controversies in which they engaged must reflect class interests and party clashes.²

I should be the last person to object to an approach that seeks to link the apparently insignificant controversies with general issues. Granted that the two schools represented two classes, we must not overlook the fact that the schools had to settle their class differences not on a purely practical, but primarily on an academic theoretical ground. Their decisions could hardly have been dictated merely by class interest, since they had to be in accordance with the written and oral law recognized by both schools as the only indisputable source of any decision. In short the schools were compelled to exert their objective thinking faculties besides seeking the mere calculation of class interest.³ This aspect that I shall call the immanent dialectic of the controversies, has been neglected by the modern scholars; it seems that we had to pay for our gain in outlook by a loss in insight.

Saadia's polemical poem *אשם משלי*, published by Mann (*Tarbiz* III, p. 380 ff.), seems to indicate that already at the beginning of the 10th century some of the Karaitic attacks had been directed exclusively against Hillel and Akiba (l. c. 387: *וחשם מרום עיניך על הלל ועקיבה*).

² The most sober and at the same time the most ingenious attempt in this direction was made by Prof. Louis Ginzberg in his brilliant address at the Hebrew University in Jerusalem in 1931: *מקומה של ההלכה בחולרות ישראל*, pp. 21 ff. He was followed by some of his pupils, outstanding among them Dr. Louis Finkelstein who widened considerably the range of this theory in his works *Akiba*, 1936, and "*The Pharisees*", 1938. A certain deviation from the general trend is that of H. Zhytowski who maintains that the Shammaites represented the interests of the poor and the Hillelites the interests of the wealthy (bourgeoisie) (see *זכרונות פון מיינ לעבן*, III, 1940, pp. 44/45).

³ This is all the more compelling if we keep in mind that the rise of the two schools was due mainly, as Ginzberg himself rightly points out (l. c. p. 17), to the fact that the controversies shifted from the practical field, where a final decision had to be made and minority opinion eliminated, to the theoretical field, where a final decision was not cogent and thus the permanency of the minority opinion made possible. It may be noted that this fact was already observed not only by Schwarz, quoted by Ginzberg (l. c., 38, note 13), but also by Z. Frankel in his *Darke ha-Mishna*, p. 45, who attributes the rise of the two schools to the transformation of the Sanhedrin into an academy (*כי המחלוקות אלה נמשכות . . . כמצב הסנהדרין אשר נהפכה אז לביה. (פדרש: דרול.*

At first glance it may well appear that I am only repeating the contention of Schwarz,⁴ namely that the controversies of the two schools should in the last analysis be reduced to a difference of methods, more precisely to the introduction of certain hermeneutic principles of interpretation by the Hillelites and the rejection of such principles by the Shammaites. However if we inquire for the essential reason for this difference, we realize that his theory is to a certain extent Geiger's theory in reverse. The introduction of the new method by the Hillelites, we are told by Schwarz, was due mainly to their attempt to bring about a reconciliation between the Sadducees and the Pharisees, while the Shammaites persisted in their irreconcilable opposition to the Sadducees.⁵ As a matter of fact as long as we have to recur to the political strife of the Sadducees and Pharisees as a basis for the controversies of the two schools, we prefer the direct way of Geiger and his modern followers which undoubtedly opens up new horizons and perspectives, although it does not entirely satisfy our demand for a deeper penetration into the thinking process of the two schools.

Is there no way of transcending the political scene, and probing into the minds of the two schools? Actually, all the recent scholars in substituting such general terms as plebeians and patricians, urbanites and country-people etc. for Sadducees and Pharisees, transcend the narrow political scene, insofar as those terms involve some connotation of different mental attitudes.⁶ Still, since the two modes of thinking involved in the terms applied to the two schools are connected with certain social groups, we naturally are inclined to derive their mode of thinking respectively from this connection. We are trying to arrive directly, from the procedure and reasoning themselves, at the mode of thinking of the Shammaites and the Hillelites and not by roundabout methods.

We mentioned above that one of the main differences between

⁴ Schwarz A., *Die Erleichterungen der Schammaiten und die Erschwerungen der Hilleliten*, Vienna 1893.

⁵ Schwarz, l. c., pp. 14-15.

⁶ This is especially true with regard to Boxer B. Z., *Pharisaic Judaism* . . . 1935, and to Finkelstein in the above mentioned works.

the two schools consists in the rejection by the Shammaites of certain principles of interpretation adopted by the Hillelites. Such difference is usually formulated in more general terms, namely that the Shammaites interpreted the scripture according to its letter, the Hillelites according to its spirit.⁷ This seems to offer a proper clue for our purpose, because it promises to lead us into the inner recess of their intellectual world. In fact in investigating the means by which the Hillelites succeeded in overcoming the "letter", one realizes that it was mainly through the disintegration of the text into its components, the single words, that they achieved their goal. In other words, what really differentiates the interpretation of the Hillelites from that of the Shammaites is not their disregard of the letter, but rather their disregard of the context for the sake of the particular words. This process of disintegration reached its highest point in the extreme Hillelite school of R. Akiba, who, as is well known, dissolved the text into its final components, the single letters.⁸

The attitude of the two schools toward the principle of analogy, *מורה שוה*, furnishes us with a fair illustration in proof of our assertion. This principle, generally considered as the most contested and opposed by the Shammaites, is nevertheless used by them in the Mishna,⁹ a fact which, as Ginzberg rightly remarks,¹⁰ proves that the Shammaites opposed only a certain type of G. S. Ginzberg, however, failed to determine the two types of G. S., and we can barely hint at them here. A glance at the structure of the G. S. used by the Shammaites shows us that it was based on a common connotation inherent in two subjects such as "the belonging to the priest" common to *Terumah* and *Halla*. Entirely different in its structure is the well

⁷ True, Schwarz (l. c. p. 13) stresses that it is time to get rid of this "trivial phrase", but in reality his own theory is nothing more than a milder formulation of this general view. It has to be traced back to Z. Frankel (l. c. pp. 47/48) whose formulation is quite akin to that of Schwarz, but still more moderate.

⁸ About Akiba's method of interpretation cp. Frankel Z. (l. c., pp. 111/115). and Finkelstein, "Akiba".

⁹ Mishna Bez. I:6.

¹⁰ l. c., p. 13.

known G. S. used by Hillel to prove that the sacrifice of the Passover-lamb suspends Sabbath.¹¹ It was based upon the common word "Bemoado", in its due season, which occurs in the section of Pessah as well as in the section of Tamid, the daily sacrifices. But it is clear that as long as we consider the word "Bemoado" in its respective context, it does not yield any common connotation, because in connection with Pessah "Bemoado" means the 14th of Nissan; in the other instance it denotes evening and morning every day. Only by separating the word "Bemoado" from its context may the G. S. be effectuated. And it was mostly the disruption of the context that provoked the opposition of the Shammaites.¹²

Likewise, to mention only one more example, most of the controversies between the two schools concerning the occupation of the Succa derive from the same source. The Hillelites interpreted the word חשבו rather in its strict, perceptible sense of

¹¹ TB. Pes. 66a.

¹² Infra (p. 6).

¹³ It is noteworthy that in the version of the discussion between Hillel and the Amora'im, given in the Tosephta Pessahim IV:1, and in TJ, Hillel actually started with a נזירה (in TJ. חסד) of the type used by the Shammaites: it consists in the connotation "communal sacrifice" (קרבת צבור), common to Pessah and Tamid. Cp. the Shammaites נזיר in Bezah I:6: איל בשר נזיר ... פסח קרבן צבור וחמיר קרבן צבור כה... with Hillel's first נזיר in the Tosephta: ... פסח קרבן צבור וחמיר קרבן צבור כה...

Why then was this type of נזיר otherwise accepted even by the Shammaites, rejected here? This will become clear further on when we shall point out that the Shammaites conceived concepts as real units, whereas the Hillelites conceived them nominalistically, as the sum of individuals labeled with a common name. It follows that according to the Shammaites' view the "community" (צבור) represents a real unit, and therefore only the daily sacrifices offered for the whole "Community" as a unit, may be considered a "communal sacrifice", but not Pessah which although offered by all the members of the "Community" was not offered for the "Community" as a *unit*. Only in the nominalistic mind of Hillel did Pessah appear as a "communal sacrifice" (קרבת צבור). (cp. Geiger, in his *Zeitschrift*, 1863, pp. 43 ff., and Schwarz, l. c. pp. 15/17, note 2).

This disruptive character inherent in the נזירה-principle introduced by Hillel and developed in his school, found prominent expression in the rule which requires that the words used for נזירה should be superfluous (פזיז — vacant), i. e. detachable from the text (cp. TB. Sabbath 64a etc).

"sitting", than in its more general, conceptual sense of "dwelling", making a habitation, required by the context. The Shammaites, naturally, opposed such interpretation, a fact already recognized by the TB.¹¹

¹¹ Cp. TB Suc. 27a: . . . מ"ט דר' אליעזר? חשבו כעין חדרו . . .

The typical controversy however in which this difference is clearly reflected is the case dealt with in Succa II:7: *מי שהיה ראשו ורובו בסוכה ושלחנו בתוך הבית*. ב"ש פוסלין ובי"ה ככשירין. Since the greater part of a man's body is in the Succa when he is "sitting" there, the Hillelites consider such a circumstance as satisfying the prescription of *חשבו*. But on the other hand since one cannot say that the man in such a case is "dwelling" in the Succa, the Shammaites declare the interpretation of "sitting" not satisfying the prescription of *חשבו*. The same holds good for another controversy between R. Eliezer, the Shammaite, and the Sages, the Hillelites, with regard to *סוכה שאולה*. In this case too the man is "sitting" in the Succa, consuming his meals there, but he is not dwelling there, because the Succa is the dwelling-place of another man. It therefore satisfies the requirement of the Hillelites, but not that of the Shammaites. This offers also an explanation of the controversy between the two schools about *סוכה ישנה* (Mishna Suc. I:1), which at first glance seems to contradict the generally accepted view according to which the Hillelites lay more stress upon the element of "intention" (*כוונה*) than the Shammaites. The explanation however becomes simple, as soon as we keep in mind that according to the Hillelites the Succa-obligation consists mainly in "sitting" and consuming the meals there, which does not imply any obligation to prepare a Succa — one may use a friend's Succa —. Little wonder therefore that the Hillelites do not require any "intention" *כוונה* in erecting a Succa. Entirely different appears the view of the Shammaites. According to them the main Succa-obligation consists in a change of habitation, which naturally implies the erection of the new habitation, the Succa, as an essential element. Consequently the erection of a Succa has to be accompanied by *כוונה*.

We now are able to deal with the slur of exaggerated, almost cruel strictness cast upon Shammai because of the story reported in Mishnah Suc. II:8: *מעשה וילדה כלתו של שמאי היכן ופיתח את המעובה וסיכך על גבי הסבה בשביל קטן*. "It happened that Shammai's daughter in law gave birth to a child (before Succoth). Shammai then removed the ceiling, and covered the place above the bed with *סכך*, for the sake of the little one". Ginzberg's explanation (l. c., p. 41, note 23): "for the sake of *another* little child, already in age of education (*שהגיע להיניק*), attached to the mother", ingenious as it may appear is far from being convincing, and is almost impossible if we read with the Jer. *הקטן* (cp. also TB. 28b). We think that *בשביל קטן* (*הקטן*) is a later addition made by a relator who misunderstood the story. What really was originally reported seems to have been simply this: that Shammai opened the ceiling, and covered

It may well appear that all this, even if proved true, would lead us barely to the surface of the intellectual world of the two schools, but not into its interior. In reality, however, the difference in regard to context and word as we shall call it from now on, is one of the manifestations of the basic tension between the "one" and the "many" which constitutes the fundamental rhythm of human thinking in general. Unity and plurality — multiplicity —, concept and sense perception, continuity and discontinuity, consistency and inconsistency in their manifold expressions in all fields of human thinking and acting, are only different modes of this basic rhythm so impressively represented in most of Plato's dialogues, which by the way contain also, especially in *Protagoras*, a brilliant satiric illustration of the two methods of interpretation, namely by *context* and by *word*. To lay stress on context means therefore to see the unity in diversity and multiplicity, to think in concepts and to defy sense perceptions as "bad witnesses" of reality. To lay stress on the word, on the other hand, means to dissolve the unity and the continuity into an infinite multitude of fragments, to rely mainly on immediate perceptions, and to conceive concepts nominalistically,

it with סכך. The reason for this act was in line with Shammai's conception of the Succa-obligation as a command to change one's habitation, naturally for all the members of the family, women and children included (cp. TB 28b: ... סֵד אֵינָא חֶשְׁבוּ כַּעֲנִין הַדְּרוּר, מִה דִּירָה אִישׁ וְאִשְׁתּוּ אִף סוּכָה אִישׁ וְאִשְׁתּוּ. . . . Thus when it happened that one member of Shammai's family could not be removed from the house into the Succa, because lying in childbed, Shammai removed the ceiling from this room, and transformed the room into a Succa for the whole family. As a matter of fact the women as members of the family are included in the Succa-obligation in Sifre אֲמַר ר' אֲבִינָהוּ. XVII:9. לְרִבּוֹת הַנָּשִׁים (better נְשֵׁי אֲוִירָה, in correspondence with Sifre VII:9). The women are here included only as members of the family of a citizen אֲוִירָה, whose habitation they share (cp. Tosephta Succa. I:1), but independent women are excluded. But later on, because of the prevailing of the Hillelites' conception of the Succa-obligation as a personal individual one, the difference between women¹ as members of a man's family and independent women disappeared. Consequently לְרִבּוֹת had to be corrected into לְהוֹצִיא (cp. the *Baraita* in TB. 28b), excluding women altogether, even as members of a man's family, and so the act of Shammai had to be explained that it took place "for the sake of the little one," because the same B. which excluded women reads: כָּל לְרִבּוֹת הַקְּטָנִים. It is only fair not to hold Shammai responsible for later misinterpretations of his act.

namely as a plurality labeled by the same name. Hence the importance of the name or the single word.¹⁴

Perhaps the most picturesque and at the same time instructive illustration of these two views is to be found in a controversy between the two schools regarding the ritual bath. The controversy is presented as follows: *מטבילין בחדרלית כדברי ב"ש וב"ה*: "One can take a ritual bath in a water fall, according to the opinion of the Shammaites; the Hillelites do not permit it." It is well known that the flux of a stream was always considered as the typical example of the continuous change and unsteadiness of all things. To assert the unity in this continuous change is in line with the view of the Shammaites, while such unity is denied by the disruptive tendency of the Hillelites.

Far more consequential was the difference in the two schools between the concept of causation according to the tendency of unity and concept on the one hand, and of multiplicity and perception respectively on the other side. According to the first view causation constitutes an inherent link unifying cause and effect

¹⁴ It may be noted that these two exegetical methods, word and context, run through the history of Jewish Biblical exegesis, from the old Halachic Midrashim (Ismael and Akiba) to the medieval commentators, and the modern critical schools. Wherever a mystical trend prevails, with its antirational agnosticism, and its insistence upon emotion and sense perception, there soon appears a loosening of the context. This process reached its acme in the symbolic Kabbalistic exegesis, based upon the deification of the Hebrew alphabet and its permutations, as laid down in the "Book of Creation" (*Sepher Jezirah*). Not by mere chance therefore was the "Book of Creation" ascribed to R. Akiba. Both he and the kabbalistic exegetes promoted the dissolution of the context through the deification of the letter. Neither is the cult of the "word" among the followers of the modern pseudo Kabbalistic school of Buber a mere chance.

¹⁵ Mishna Miqva'oth V:6, and Tosephta ibid. IV:10: ואיהו הרדלית? מי נשמים (cp. Schwarz, l. c., pp. 87/88). My friend Dr. Saul Lieberman drew my attention to the fact that according to his suggestion the very argument of הרדלית in a place of the Tosephta (l. c., III:10) is simply designated by the term צרופין which means "junction" or "union". We are therefore justified in resolving the controversy in this simple way, namely that the Shammaites admit "junction" or "union" (of the water in movement), the Hillelites do not admit it (cp. Lieberman, *תוספתא ראשונה*, IV, p. 14).

almost to the point of identity, while the second view tends to reduce causation to a mere external succession in time without real unity much less identity between cause and effect.¹⁶ It is clear that we shall expect the affirmation of a much longer range of causation by the followers of the first view than by those of the second view. Indeed, a considerable group of controversies between the two schools reflect the tendency of the Hillelites to restrict the range of causation to the immediate perceptible effect, while the Shammaites maintain a much longer range of causation as well as the inherence of the cause in the effect.

It is not difficult to note that I am alluding in the first place to the juridical principle asserted by Shammai that if a man sends another man to commit murder, the instigator is guilty, although he is not the immediate cause of the crime, whereas the Hillelites put the entire responsibility on the agent, the immediate perceptible cause of the homicide.¹⁷ The long range causation asserted by the Shammaites accounts for a series of their restrictions with regard to the starting of work on Friday which cannot be completed before Sabbath.¹⁸

¹⁶ The denial of the principle of causality, beginning with Sextus Empiricus (cp. Zeller E., *Die Philosophie der Griechen*, III-2, 4th. ed. 1903, pp. 61 ff.), through the Mutakallemin and Al-Gazali to Hume and the modern pragmatists, has always been connected with an agnostic-nominalistic tendency. Among the theological thinkers of this trend, such as the Mutakallemin and Al-Gazali, the denial of causality paved the way for the affirmation of an "immediate" and "continuous" creation by God. All the natural processes, they assert, are not linked together by a causal nexus, but are direct acts of God's creative Will (cp. Maimonides, *Guide*, I, Chap. 73 at the end). We should not be surprised to find the Hillelites stressing the continuous act of creation as against the view entertained by the Shammaites. Indeed, in *Mishnah Berakoth VIII:5* we find summarized the controversy between the two schools about the formula of the benediction over the light recited on Saturday night: בְּשֵׁי אֹמְרִים שֶׁבְּרָא מֵאֹרֶשׁ. וּבִשְׁאֵרֵי אֹמְרִים בּוֹרָא מֵאֹרֶשׁ הָאֵשׁ. The Shammaites speak only of one act of creation which took place in the past, obviously referring to Gen. 1:3, whereas the Hillelites speak of a "continuous" creation of "lights" (cp. Del-Medigo Sol. Jos. *נובלות חכמה*, Basilea 1629, p. 94a).

¹⁷ TB, Kid. 43a.

¹⁸ See Mishnah Sab. I:5-7; cp. also Tosephta Pesahim I:7, and also TB. *ibid.* 21a.

Moreover, this distinction between long range and short range connections may contribute to the clarification of the much debated question about the importance attributed to the intention, thought, plan מחשבה, by each of the two schools.¹⁹ As a matter of fact considering most of the controversies related to this question, we can reduce them to the following statement: The Hillelites require the "intention" to accompany, or at least to precede immediately the act; whereas the Shammaites, as in the case of causation, extend considerably the range of the intention, so as to reach acts accomplished after a certain interval in time.

This is perhaps best reflected in the agadic controversy between the two schools with regard to the relationship between "thought"—plan—, and work in the act of creation. The Shammaites maintain that the "thought", the plan of the creation took place at nighttime, followed by the work at daytime, while the Hillelites contend that both, plan and work, were effectuated together at daytime.²⁰

¹⁹ Solomon Zeitlin in his stimulating article "Intention as a Legal Principle" in *Journal of Jewish Lore and Philosophy*, 1919, was the first to point out that the principle of "intention" was stressed by the Hillelites, but almost ignored by the Shammaites, and that this difference lay at the root of many legal controversies between the two schools. He then developed the idea further in another article "Les principes des controverses halachiques entre les ecoles de Schammai et de Hillel" (REJ. 1932, pp. 73–83). Ginzberg too in his above mentioned study (pp. 31 ff.) emphasizes the importance of this "great principle". It was then taken over as a generally accepted fact by his followers.

²⁰ See Ber. Rabba XII:1. To quote only a few examples mentioned by Ginzberg: a) Mishnah Pea VI:2: ב'ש אוכרים אינה שכהה, וביה אוכרים שכהה. Ginzberg himself (p. 43, note 30) admits that his explanation follows the version of R. Joshua, but I think that since it is a question of determining the opinion of the Shammaites, we should prefer R. Eliezer's version, because he was more connected with this school than was R. Joshua. According to R. Eliezer's version (שנט לו ונתנו) על העומר (בשר הדפנה), the owner actually had the "intention" of taking home this special sheaf, but he forgot it later when gathering all the other sheaves. According to the Shammaites the previous intention is still valid, while the Hillelites think that the intention has to be present when he is gathering all the sheaves. 2) The same holds good for Mishnah Mikva'oth IV:1: אחר המניח וא' השוכח: כשהניחם בשעת קישור עבים) (בשרי ב'ש (ונהפורו)... מ'ט בטלה מחשבתו ומ'ט לא בטלה מחשבתו

Parallel to the long range causation and intention is the extended unity of action achieved by the Shammaites as a result of their conceptual vision. Take for instance the term "Seudah" in its halachic implications. It is a general term, and comprehends a series of acts, beginning with "washing the hands" נטילת ידים and ending with "Birkath ha-Mazon". A series of controversies between the two schools related to "seudah" derives mainly from the following difference: for the Shammaites the "Seudah" as a whole constitutes a complete, indissoluble unity in which the single acts are entirely submerged, while the Hillelites dissolve the "Seudah" into its components, the single acts, and consider therefore the "Seudah" a series of successive acts.²¹

question of "lack" of intention, but of an intention interrupted by forgetfulness. According to the Hillelites, once the intention leaves our consciousness it ceases to exist (בטלה מחשבתו), whereas according to the Shammaites the thought (מחשבה) acquires an objective reality, almost independent of the consciousness. This is perfectly in accord with what we have stated above, that the perceptions outweigh the concepts in the Hillelites' thinking.

By the way, this close view of the Hillelites in contrast to the long perspectives of the Shammaites, also found its sententious formulation in Hillel's famous maxims: לא עכשיו אימתי (cp. Bezah, TB. 16a); ברוך ה' יום יום (Aboth I:14).

²¹ Two examples: a) Mishnah Ber. VIII:2: ב"ש אומרים נוטלין לידים ואחר כך מניין את הכוס, ובי"ה אומרים מניין את הכוס ואח"כ נוטלין לידים. The most plausible reason for the opinion of the Hillelites is that given in the Tosephta (ibid. VI:2): ד"א אין נטילת ידים אלא סמוך לסעודה, i. e. the washing of the hands must take place as close as possible to the starting of the "Seudah", whereby it is forthwith supposed that מנין הכוס does not constitute part of the "Seudah", and should therefore be performed before the washing of the hands. But the Shammaites include מנין הכוס in the concept of "Seudah", and consequently it has to be postponed until after נטילת ידים.

b) Ibid. VIII:8: ב"ש אומרים מברך על היין ואח"כ מברך על המזון, ובי"ה אומרים מברך על המזון ואח"כ מברך על היין. Here too the question is whether a man who has finished eating his meal but who is still sitting at the table and has not yet recited the benediction after the meal should be considered as being in "after the Seudah" (אחר הסעודה) or not. Now according to the Hillelites "Seudah" means only the actual act of taking the meal, so that as soon as the man has finished the meal, the "Seudah" is over, and the wine brought afterwards is אחר הסעודה. But according to the Shammaites as long as he remains at the table and has not performed the final act of מנין הכוס, he still is in the middle of the "Seudah", and the wine brought during this time is considered אחר הסעודה (cp. Ginzberg l. c., p. 27).

The same holds good for other ceremonies and prescriptions composed of a series of successive acts, such as *Halizah*, *Shehitah*, *Milah* etc.²² In all of them the Shammaites tend to a consideration *sub specie unitatis*, whereas the Hillelites lay more stress on the single elements.

On the other hand, in the case of a prominent conceptual distinction, as for instance between Sabbath and another festival falling on the same day, the Shammaites consider them

²² A few examples: a) Mishnah Yeb. XII:3 חלצה וקראה אבל לא רקקה ר"א. אומר חליצה פסולה, ר"ע אומר חליצה כשרה חליצה mainly as the act of loosening the shoe; the spitting (רקקה) as accessory act. R. Eliezer, the Shammaite, considers both acts as integral parts of a unit called חליצה.

b) Bez. I:2: השוחט היה ועוף ביו"ט, ב"ש אומרים יחפור בדקר ויכסה, וב"ה אומרים לא. ישחוט אא"כ היה לו עפר מוכן מבעוד יום. The Shammaites seem to consider the covering of the blood (כסוי הדם) a part of the slaughtering (שחיטה), a work permitted on festivals without any restriction. The Hillelites on the contrary consider the covering of the blood (כסוי הדם) as separated from the slaughtering, which therefore can be performed on festivals only under certain restrictions. (cp. the explanations given by Schwarz, l. c., pp. 38-39, and by Ginzberg, l. c., p. 24).

c) In a certain sense to this category belongs also the controversy between R. Eliezer and R. Akiba about the preliminaries to circumcision or to the Passover-sacrifice (מכשירי מילה ופסח), as to whether they suspend the Sabbath (cp. Mishnah Sabb. XIX:1; Pessahim VI:1-2).

In this connection we may mention a controversy in Tos. Ned. VI:3-4: שמע אביה והפר לה לא הספיק הבעל לשמוע עד שמת, האב מפר חלקו של בעל. ר' נתן אומר (Cp. TB. *ibid.*, 69a; Schwarz, l. c., p. 107). It appears evident that the two schools have different views with regard to the legal status of the betrothed woman (ארוסה), but it remains obscure in what this difference may consist. I think that our criterion may shed some light on this subject. The act of betrothal, by its very nature, is not a definite one; it is only the first step leading to the conclusive act of marriage. It is therefore in line with the Shammaites' view of conceiving betrothal only as one element of the comprehensive act of marriage, the betrothal taken in itself having no bearing on the legal status of the betrothed woman. Consequently once the conclusive act of marriage has become impossible, because of the death of the fiancé, no legal consequences can be attributed to the act of betrothal. Entirely different is the view of the Hillelites. According to them betrothal in itself, independently of the future act of marriage, constitutes a legal nexus which becomes only tighter by the *addition* of the act of marriage. Consequently certain legal effects of the act of betrothal may still remain even when the additional nexus cannot be realized.

as two separate entities, and require therefore two distinct benedictions on the occasion of the day; whereas the Hillelites do not attribute reality to the conceptual distinction, and since there is only *one* day in our perception, hold that one comprehensive benediction suffices.²³

Here is not the place to enter into further details, but we cannot help dwelling briefly on the attitude of the two schools toward the family. This has been the weakest point in the modern rigid Geiger construction which takes for granted that the Shammaites represent the primitive, backward, unsympathetic attitude towards women, and the Hillelites, a more progressive, liberal one. Now one of the most characteristic controversies between the two schools with regard to the family is undoubtedly that concerning the causes justifying divorce. The Shammaites, as is well known, limit them to moral reproach, unfaithfulness;

יוֹם טוֹב עָחָל לֵהיוֹת בַּשַּׁבָּת, בִּשְׁ אֹמְרִים מִחֲפָלָל שְׁמוֹנָה וְאוֹמֵר: *Cp. Tos. Ber. III:15*: וְכִי יֵשֶׁת בְּפָנֵי עַצְמוֹ וְשֶׁל יוֹם טוֹב בְּפָנֵי עַצְמוֹ . . . וְכִי אֹמְרִים מִחֲפָלָל שֶׁבַע, מִחֲחִיל בְּשֶׁל שַׁבָּת וְכִי יֵשֶׁת בְּשֶׁל שַׁבָּת וְאוֹמֵר קְדוּשַׁת הַיּוֹם בְּאִמְצָע.

One more example may be added here. *Mishnah Berahoth VIII:1* reads: בִּשְׁ אֹמְרִים מִבְּרַךְ עַל הַיּוֹם וְאֹחִיךְ מִבְּרַךְ עַל הַיּוֹם. וְכִי אֹמְרִים מִבְּרַךְ עַל הַיּוֹם וְאֹחִיךְ מִבְּרַךְ עַל הַיּוֹם. There can be little doubt that the reason accompanying the Shammaites' opinion in the *Tosephta* (*ibid.* VI:1) "because the festival (the Day) is the cause of the whole ceremony, the use of wine included", is logical and sound. Much less satisfactory seem the reasons given there for the Hillelites' opinion (*cp. Ginzberg, l. c. pp. 23-24*). But if we keep in mind that "the Day", or better "the holiness of the Day" (קְדוּשַׁת הַיּוֹם) is only a conceptual reality, and is not accessible to sense perception, we should not fail to understand why the Hillelites with their tendency toward sense perception give the precedence to the "wine" which is something accessible to sense perception.

In a more general way this difference between the two schools is reflected in the Agadic controversy concerning the question which of the two, heaven or earth, was created first. The Shammaites maintained that the heaven was created first, while the Hillelites gave the precedence to the earth (*cp. TB. Hagigah II:12a*: וְכִי אֹמְרִים הָאָרֶץ. וְכִי אֹמְרִים הַשָּׁמַיִם; וְכִי אֹמְרִים שְׁמַיִם נִבְרָאוּ חֲחִלָּה וְאֹחִיךְ הָאָרֶץ. *cp. also Bacher, Agדות התנאים, I, p. 11, notes 1-3*). It is well known that in the allegoric exegesis of Philo, "heaven and earth" mean the world of the ideas and the world of sense perception. The Shammaites considered the "heaven", the ideas, as a higher reality preceding the material world; the Hillelites on the contrary seemed to consider the ideas nominalistically, as abstractions following the sense perceptions.

the Hillelites extend them to personal causes of minor importance. R. Akiba admits even motives of caprice.²⁴ Modern scholars have tried to persuade us that even in this case the position of the Hillelites marks a considerable progress in comparison with that of the Shammaites.²⁵ But their arguments have met with little success among sensible unprejudiced scholars, such as our greatest talmudic authority Dr. Ginzberg.²⁶ Indeed if there is a controversy which deserves to be examined from within it is this one. As a matter of fact, all the elements of differentiation mentioned above converge here:

1. *Context and word.* There can be no doubt that the verse in Deut. 24:1 "if she find no favour in his eyes, *because* he has found some *unseemly thing* in her" taken in its context, supports the view of the Shammaites; only if we consider the phrase ערות רבר in itself, separated from the context, can it also mean "any blemish", as is proved by the verse in Deut. 23:15.²⁷ And this is in line with the Hillelites' disregard of the context. R. Akiba, who represents the extreme wing of the Hillelites, goes a step further in the disintegration of the text, and takes into consideration only the first part of the verse, ignoring the sequel: "because . . .".

2. Furthermore, there is the concept of causation which, as we have seen, assumed among the Shammaites the form of something inherent in the effect. The cause of divorce therefore can be only a matter which affects the very basis of the marital bond, and such a cause can be only unfaithfulness. But from the point of view of the Hillelites, causation in general is something contingent and external, and therefore any "unseemly thing," even if it has nothing to do with the marital life, may be the cause of divorce.

3. Finally, the position of the Shammaites is another manifestation of their general tendency to see the conceptual unity

²⁴ Mishnah Git. IX:10; TB. *ibid.* 90a.

²⁵ So Geiger, Weiss A. H. etc.

²⁶ Ginzberg, l. c. p. 42.

²⁷ Cp. Schwarz, l. c., p. 54, but already pointed out by Bruell J. סבוא המסנה I, p. 95.

in the diversity and multiplicity. The idea, the concept of the family as a higher unit, is for them of such cohesive force that it cannot be easily affected by the flux of personal impressions, in the same way as the flux of the waterfall did not prevent them from affirming its unity. It is however of course in line with the Hillelites' tendency towards disintegration of conceptual units that "any unseemly thing", or even caprice, should lead to the dissolution of the family bond.

It hardly could have escaped the attention of the reader that our characterisation of the Hillelites' tendency, puts them very close to a current of thinking generally attributed to the Sophists. We shall now face the problem how far this sophistic trend affected the ethical perspective of the Hillelites. This may appear paradoxical, since the conventional view is that as far as ethical principles are concerned Hillel and the Sophists moved in two completely antithetical worlds. Hillel is looked upon as the apostle of the highest ethical values, while the Sophists are considered as the underminers of the very foundations of ethics. Nevertheless a deeper consideration will show us that these two antagonistic worlds are not without points of contact. As a matter of fact that which makes the sophistic view antagonistic to ethical values consists, as is well known, in their assertion that there is no objective truth attainable by the human mind. "Man (better his sensations)" they concluded, "is the measure of all things, of what is that it is, and what is not, that it is not". This maxim applied to ethical values means that there is no universal, objective criterion of good and bad, and consequently that "man (his individual advantage) is the measure of all things, of what is good and of what is bad." In this absolute form, however, it obviously could not be adopted by the Hillelites, because they recognized the Divine Law as the objective criterion of good and bad. But within the range of flexibility of the law, vestiges of sophistic thinking, even in ethics, may still be traced in the school of Hillel. They consist in a certain indifference to objective truth, and in overemphasizing one's own self as "measure" of all values.

As for the first aspect, the very fact that Hillel is reported to have been the first to introduce a legal fiction (*Prosbul*) in

order to elude the law of Sabbatical Year,²⁸ seems to indicate that he was not particularly sensitive to objective truth. Indeed, the two best juridical minds of the Babylonian schools, Mar Samuel and R. Nahaman, with their developed sense of objectivity, could not refrain from calling this "legal fiction" an "insult to the judges", and were looking for an opportunity to abolish it.²⁹ Nor did the two schools remain silent on the question of objective truth as far as it may be involved in certain halachic decisions. They defined their positions in a controversy about the admission of resorting to a *sophistic oath* or *reservatio mentis* in case of emergency. While the Shammaites restrict such act of violation of the objective truth to the very indispensable, the Hillelites yield much easier and on a larger scale to such violations.³⁰ But a real collision arose between the two schools on this issue, when the Hillelites showed their disregard for objective truth not only in order to avoid danger, but also simply to increase the joy of the married couple during the nuptial festivities. The Shammaites objected to *them* in exclaiming that they were acting against the explicit text of the Scripture which reads: "Keep Thee far from any false word (Ex. 23:7). In replying the Hillelites took recourse to a practical case in order

²⁸ Mishnah Sheb. X:3-4; cp. TB. Git. 36-37. Cp. Blau L., *Der Prosbul im Lichte der griechischen Papyri*, 1927.

²⁹ See TB. Gittin 36b: דאמר שמואל האי פרוכבלא עולבנא דדייני הוא אם אישר חילי . . . ר' נחמן אמר . . . As Weiss (III:153, note 2) rightly remarks Samuel intended only to abolish the prosbul as "legal fiction", but he never thought to restore the release of debts in the Sabbatical year.

As for the special juridical mentality of Mar Samuel and R. Nahaman, cp. Weiss, l. c., pp. 150 ff., 157 ff.; also Graetz Hebr. II:358, 391.

³⁰ Mishnah Ned. III:4: וב'ה אומרים: ב'ש אומרים לא יפה לו בגדר. וב'ה אומרים: אף במה שאינו כדירי . . . See the discussion in TJ and TB. *ibid.*; cp. Lieberman Saul, *Greek in Jewish Palestine*. N. Y. 1942, p. 142.

In this connection it may be noted that the use of "subtlety" (הערמה) in order to evade a certain law under certain circumstances forms the subject of a controversy between R. Joshua, the Hillelite, and R. Eliezer, the Shammaite. The former advises the use of "subtlety", the latter does not permit it (see TB. Bez. 37a: אותו ואת בנו שנפלו לבור, ר' אליעזר אומר מעלה את הראשון על: בנת לשוחטו וזוהטו . . . ר' יהושע אישר מעלה את הראשון על בנת לשוחטו ואינו שזהבו וחוזר בנת לשוחטו וזוהטו . . . Cp. the references there)

to exemplify their view that the "eyes" of every individual are the only "measure" (criterion) in aesthetical matters.³¹

This leads us straight to the second aspect of the sophistic doctrine. For once we have seen the Hillelites proclaiming "man (his individual vision) the only measure" of aesthetical values, we should expect the same for ethical values, wherever no account can be taken of the Divine Law. And indeed, when Hillel had to define his ethical principle to a prospective proselyte, who did not yet recognize the objective "measure" of the Law, he found no other definition than his famous *מה דלך סני לחברך* לא תעביר.³² Immense as the beneficial influence of this formula on the ethical development of humanity may have been, it should not be overlooked that, seen from the theoretical perspective, it rests entirely upon the Protagorean principle that "Man is the measure of all things". . . . *מה דלך סני* — "Thou art the measure of what is good, and of what is bad."

To sum up, I think that we have gone too far, especially in the last four decades, in our glorification and exaltation of the Pharisees in general, and the Hillelites in particular. Their stress of immediacy bears, it is true, the germ of intense devotion, and appeals to the masses. But it is likewise true that their *atomic-nominalistic* tendency bears also unmistakably germs of disintegration and anarchy. It is now time to do justice to the Shammaites' principle, the stressing of which seems to us indispensable in our search for a way out of the present anarchy and chaos.

³¹ TB. Ketuboth, 16b-17a: *ב'ש אוכרים כלה כמות שהיא. וב'ה אוסרים כלה נאה וחכודה. אכרו להן ב'ש לב'ה הרי שהיתה הנרת. . . . אוכרים לה כלה נאה וחכודה, והתורה אסרה כדבר סכר הרחק. א"ל ב'ה לב'ש מי שלקח סכח סן השוק ישבהנו . . . בעיניו.*

³² TB. Sab. 31a.

8.

A PALESTINIAN POLEMIC AGAINST IDOLATRY

A Study in Rabbinic Literary Forms*

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GEORGE F. Moore once stated that "the teachers of Palestine, addressing themselves to men of their own religion, did not feel it necessary to polemize against polytheism and idolatry as the Hellenistic literature does."¹ This statement should be modified since the Mishna *Aboda Zarah* and the polemic we are going to deal with bear ample proof that Palestinian teachers vigorously polemized against polytheism and idolatry. The *Mekilla*, *Masseket Bahodesh*,² reads as follows:

1. A certain philosopher asked Rabban Gamaliel: It is written in your Law: "For I the Lord Thy God am a jealous God" (Ex. 20.5).
2. But is there any power in the idol that it should arouse jealousy?
3. A hero is jealous of another hero, a wise man is jealous of another wise man, a rich man is jealous of another rich man, but has the idol any power that one should be jealous of it?
4. R. Gamaliel said to him: Suppose a man would call his dog by the name of his father, so that when taking a vow he would vow "By the life of his Dog." Against whom would the father be incensed? Against the son or the dog?
5. Said the philosopher to him: Some idols are worthwhile. "What makes you think so?" R. Gamaliel asked him.

* The author is indebted to Professor Abraham Cronbach for valuable editorial help.

¹ *Judaism in the first Centuries of the Christian Era*, I, (Cambridge, 1932), 363.

² Chapter VI, ed. Lauterbach, vol. II, p. 244-246; *Mekilla*, ed. H. S. Horowitz and I. H. Rabin, p. 226.

6. Said the philosopher to him: There raged a fire in a certain province but the temple of the idol in it was saved.
7. Was it not because the idol could take care of itself?
8. Said R. Gamaliel to him: I will give you a parable: To what is that comparable? To the conduct of a king of flesh and blood when he goes out to war. Against whom does he wage war, against the living or against the dead? The philosopher then said: "Indeed, only against the living."
9. Then the philosopher said to him: But if there is no usefulness in any of them, why does He not annihilate them?
10. Said R. Gamaliel to him: But is it only one object that you worship?
11. Behold, you worship the sun, the moon, the stars and the constellations, the mountains and the hills, the springs and the glens, and even human beings.
12. Shall He destroy His world because of fools?
13. "Shall I utterly consume all things from off the face of the earth? Saith the Lord" (Zeph. 1.2).
14. The philosopher also said to him: Since it causes the wicked to stumble (compare Zeph. 1.3), why does God not remove it from the world? But R. Gamaliel continued saying: Because of fools? If so, then since they also worship human beings: "Shall I cut off man from off the face of the earth?" (Zeph. 1.3).

The analysis of the conversation between the pagan philosopher and the Jewish Patriarch consists of four questions and four answers. The polemical argumentation contains two different kinds of *topoi*. Jewish *topoi* against idolatry are the powerlessness of the idol (4), its uselessness (5, 8), its lifelessness (8) and the foolishness of the idolaters (12, 14). Opposed to these *topoi* are the pagan's *topoi* such as the alleged power of the idol (1, 7), its usefulness (5, 9), and its mere existence (6). Gamaliel's argumentation (10-12) underlies the presumption that it is possible for man to recognize the greatness of the Divine Artifex in His useful creations, an idea corresponding — as is well known — to that of the older Stoa.

The polemic represents an old sediment of the older Jewish

polemic against idolatry.³ Its argumentation is the same as the one used since the days of the prophets and its *topoi* are the same as those employed by Hellenistic Judaism in its defense of monotheism against the aggressions of polytheism. Vestiges of this Hellenistic Jewish polemic are preserved especially in the diatribe against idolatry in the *Wisdom of Solomon*, XIII–XV, in *Philo's* and *Josephus'* writings, in the *Letter of Aristeas*, in the *Book of Jubilees*, and in other apocryphal and pseudepigraphic writings.⁴ The polemic fits perfectly into the literary scheme of the argumentation against idolatry as used by Hellenistic Judaism.⁵

The composition of the polemic proves that it is a literary unit of its own consisting of two literary parts (1–4, and 5–14). The purely literary origin can easily be proved. As a matter of fact, it was — hitherto unnoticed — indirectly proved already centuries ago by the arrangement of the polemic's parallel transmission in the Talmud tractate *Aboda Zarah* 54b–55a. There we encounter the following succession of texts:

a) Mishna *Aboda Zarah* IV.7: . . . שאלו הוקנים ברומי

b) As a Boraita: Tosefta *Aboda Zarah* VI.7 f., ed. Zuckermann p. 469 f.: . . . שאלו פלוסופין אח הוקנים ברומי.

c) The polemic under consideration in a paraphrased rationalization: שאל פלוסופוס אחר את ר'נ. The original Bible quotation in the polemic, Ex. 20.5, is supplanted by Deut. 4.24, since the following text *d* contains this citation likewise. *C* itself was inserted into the treatise not only on behalf of *a* and *b* but especially for the reason that the redactor recognized the coincidence of the literary scheme of *d* with that of the first part of the polemic (1–4).

d) After *c* follows this story:⁶ "Agrippa, the army chief of Agrippas, asked R. Gamaliel, it is written in your Torah, *For the*

³ Robert H. Pfeiffer, "The Polemic against Idolatry in the Old Testament," *JBL*, XLIII, 229 ff.

⁴ Compare G. F. Moore, *op. cit.*, p. 363, notes 1–4, where a survey of the respective sources is given.

⁵ See I. Heinemann, *Poseidonios' Metaphysische Schriften*, I, (Breslau, 1921), p. 145 f., and his classification of the literary schemes; also Paul Wendland, *Die urchristlichen Literaturformen*, (Tuebingen, 1912), 202.

⁶ The reading in the current editions does not make sense. The *Codex Monacensis* 95, ed. H. L. Strack (Leiden, 1912), *ad loc.*, offers the better reading: אוריפא שר צבא אוריפס.

Lord, thy God is a devouring fire, a jealous God (Deut. 4.24). Is a wise man jealous of any but a wise man, a strong man of any but a strong man, a rich man of any but a rich man? (Agrippa reasons: since God is jealous of idols there must be some divine power in them too). He (Gamaliel) replied, I shall give you a parable: To what is the matter like? To a man who marries an additional wife. If the second wife is her superior, the first will not be jealous of her; but if she is her inferior, the first wife will be jealous of her."

This story represents a transmission parallel to the first part of our polemic (1-4). This fact gave one more reason to the redactor of the treatise to insert *c* into *Aboda Zarah*. The Agrippa story possesses remnants of the same literary elements of a conversation between a pagan and Gamaliel as *c*, and is composed along the same polemical lines ferreted out for the first time below. It was inserted into the *Mekilta* context by the compiler as evidence of another interpretation of Ex. 20.5. We must regard *Mekilta Bahodesh* VI, ed. Lauterbach, vol. II, p. 246, line 125, as the original continuation to the *Mekilta* text, p. 244, line 103, and our polemic, p. 244, line 103-p. 246, line 124, as representing an interpolation.

The polemic is submitted in the form of a conversation between Rabban Gamaliel II and a pagan philosopher and possesses a definite historical background. The connection with the patriarch is a purely fictitious one and a literary frame in order to give an established polemical literary scheme (see below) an historical background. A collection of fictitious polemical conversations ascribed to Gamaliel was the source of it since all these colloquies between the patriarch and philosophers as handed down by rabbinic literature⁷ are of a similar literary form.⁸

A hint where the connection between Gamaliel and the philosopher is to be sought is to be discerned in the argument of the philosopher regarding the usefulness of idols (5-7): "There raged a fire in a certain province but the temple of the idol in

⁷ W. Bacher, *Die Agada der Tannaiten*, (Strassburg, 1903), 76 ff., quotes all these conversations.

⁸ The literary origin of another of these conversations was extensively proved in my paper, "The Textual History of an Aramaic Proverb," *JBL*, LX (1941), 403-415.

it was saved. Was it not because the idol could take care of itself?" Such argument in the mouth of a pagan has a bearing of hidden sarcasm on the opposite Jewish polemical *topos* against idolatry, reiterated since the days of the prophets, that all pagan temples and altars will be finally destroyed by fire: "And all the idols of the heathen shall be abandoned. And the temples burned with fire, and they shall remove them from the whole earth" (Enoch, 91.9). The appearance of the argument concerning the survival of a pagan temple in connection with Gamaliel II points also to a definite historical situation to which the pagan interlocutor means to allude in his polemic with the patriarch. Besides bringing out the reciprocal and dialectical meaning of the argument, the pagan's way of arguing presents the Hellenistic view that the existence of a town without a temple is something never to be found on this earth.

Plutarch, in one of his treatises against the Epicureans, has preserved a discourse against a book of the Epicurean Kolotes. There, polemizing against Epicurus' contempt for the belief in God, Plutarch states⁹ that there are towns abroad without walls and without books "but a town without temples and gods" nobody has ever seen and no one will ever see.

Thus the pagan's argument in the polemic alludes to the destruction of the Temple at Jerusalem. By this argument the validity of the Jewish God was questioned who — according to the pagan's opinion — was not able to protect his own temple.

Gamaliel uses in the polemic the sophistic fallacy "Is the Dog the Father?" mentioned by Plato in his *Euthydemus*, a satire on the eristic way of reasoning. Compare:

| I | II | III |
|--|---|--|
| PLATO, <i>Euthydemus</i> , 298E ¹⁰ | <i>Mekilla</i> , (see above, 4) | <i>Aboda Zarah</i> 54b |
| (Dionysodorus to Ctesippus) Just tell me, have you a dog? Yes, a real rogue, said Ctesippus. Has he got puppies? Yes | R. Gamaliel said to him (<i>viz.</i> a certain philosopher): Suppose a man would call his dog by the name of his father, | I will give you a parable: To what is the matter like? To a human king who had a son, and this son reared a dog to which |

⁹ *Against Kolotes*, XXXI (1126).

¹⁰ *The Loeb Classical Library, Plato*, ed. Lamb, vol. IV, 475.

| I | II | III |
|--|---|--|
| PLATO, <i>Euthydemus</i> , 298E | <i>Mekilla</i> , (see above, 4) | <i>Aboda Zarah</i> 54b |
| a set of rogues like him. Then is the dog their father? Yes, indeed . . . Well now, is not the dog yours? Certainly, he said. Thus he is a father, and yours, and accordingly the dog turns out to be your father. | so that when taking a vow he would vow "By the life of his Dog," Against whom would the father be incensed? Against the son or the dog? | he attached his father's name, so that whenever he took an oath he exclaimed "By the life of this dog, my father!" When the king heard of it, with whom was he angry—his son or the dog? Surely he was angry with his son. |

A comparison of the texts¹¹ reveals the utilization of I in II while III presupposes a transmission corresponding with the more original tradition II. The fallacy is already rationalized in III and clothed in the literary form of a simile, in the course of paraphrase. The hypothetical formulation of II is partially dissolved and concretized in III. The man who according to II confers his father's name on his dog therefore becomes in III a king and his son.

Till now, II was regarded as an allusion to the well known oath of the Greeks "By the Dog."¹² The fallacy in III was called "ein hoechst merkwuerdiges Gleichnis."¹³ Plato's utilization was not recognized. But even without the latter identification the non-Jewish origin of the passage should have been recognized, since it does not coincide with the methods of inference developed by tannaitic literature. Moreover, fallacies are not at all to be found in tannaitic literature.¹⁴

¹¹ The transmission of the Babylonian Talmud was inserted into the *Midrash Lekah Tob* to Exodus ed. S. Buber (Wilna, 1884), 207; to Deuteronomy ed. (Wilna, 1921), 15; into *Jalkut Shimeoni*, ed. Zolkiew, (1851), I, 288.

¹² W. Bacher, *op. cit.*, p. 78 note 3. Saul Lieberman, *Greek in Jewish Palestine* (New York, 1942), 126 did not recognize the Plato quotation.

¹³ I. Ziegler, *Die Koenigsgleichnisse des Midrasch beleuchtet durch die Roemische Kaiserzeit*, (Breslau, 1903), p. 315; Hebrew Section, p. CXIV, No. VII, where Ziegler overlooked the older *Mekilta* passage. Since the simile in *Abodah Zarah* 54b, is of a purely literary origin it has nothing to do with the "roemische Kaiserzeit."

¹⁴ Adolf Schwarz, "Die Hauptergebnisse der wissenschaftlich hermeneutischen Forschung," in: *Scripta Universitatis atque Bibliothecae Hierosolymitanae*

II represents a rhetorical sophism, a fallacy contrived for the deception of a second person. The elements of the conclusion are: dog (A), name (B) of the dog, father (C) of the interrogator, name (B) of the father. From the ambiguity of the middle term B, results in consequence of a fallacious reference, 1. A is B; 2. C is B; 3. A is C, and C is A, i. e.,: the dog is a father and the father of the interrogator a dog.

The fallacy in II assumes the confusion of different inflectional forms and of parts of speech. In that the arguing of II follows the eristic disputation preceding the fallacy I in Plato's *Euthydemus* that he who is the father of anyone must be the father of everyone, for a father cannot be a not-father! Therefore, if C is in B like A, and A is a dog and a father, C being a father too, subsequently must also be a dog! The transmission of the fallacy in II is enthymematic since it lacks the third figure of conclusion which is implied by the rhetorical question at the very end of II.

Aristotle in his *Peri ton sophisticon elenchon* assigned this kind of fallacy to the fallacies *secundum dictionem*. Plato ridiculed this sophistic way of reasoning.¹⁵ Therefore with regard to the fallacy "Is the Dog the Father?," he made Ctesippus (*Euthydemus*, 299 A) say: "Yet I doubt . . . if your father, Euthydemus — the puppies' father — has derived much good from this wisdom of yours." Although Plato did not take these fallacies seriously in their logical structure, Aristotle nonetheless refuted them by pointing out (XXIV, 179a, 24) their logical shortcomings with the observation that all arguments such as "Is the Dog the Father?" depend upon accident, "for it is evident . . . that there is no necessity for the attribute which is true of the thing's accident to be true of the thing as well."

The combination of the sophistic fallacy "Is the Dog the Father?" with the Greek oath "By the Dog"¹⁶ in a Jewish polemic

tanarum, Orientalia et Judaica, I (Jerusalem, 1923), p. 7 (of the Hebrew reprint): בנאון צדק נוכל לומר. שאין היקשים מושעים מצויים בכלל בספרות התנאים.

¹⁵ Other fallacies *secundum dictionem* are based on homonymy, prosody, and amphibology. Cf. also R. Robinson, "Plato's Consciousness of Fallacy," *Mind, A Quarterly Review of Psychology and Philosophy*, LI (1942), 97 ff.

¹⁶ Compare for instance, Plato, *Gorgias*, 416 B; 466 C.

against idolatry proves that the origin of the oath must have been known to the originator of the combination. In the formulation "By the Dog, God of the Egyptians" is the oath, for instance, quoted by Plato.¹⁷ The oath is indeed traceable to the Egyptian God Anubis which was represented with a dog's head.¹⁸ One can imagine the fictitious Gamaliel addressing the fictitious pagan philosopher and parodying the above quoted words of Plato to Ctesippus: "Yet I doubt, if you, Philosophos, have derived much good from this wisdom of yours since you swear by a God who turns out to be a dog." The compiler of the polemic must have been fairly well acquainted with the Hellenistic way of thinking.¹⁹ There can be no doubt that he must have known Plato's dialogue directly and that the fallacy is not taken from a *florilegium*.²⁰

One reason for the combination of fallacy and oath was the current Jewish naming of an idolator by the *epitheton* כלב in early rabbinic literature.²¹ This denomination undoubtedly came into existence due to the place libidinous sexual intercourse occupied in Greek religion and its different denominations since כלב expresses foul and impudent behavior. The naming may have gained more momentum through the oath "By the Dog." To a Jew it was blasphemy of the highest degree to hear people swear to one's God by a term only used in a derogatory sense.

The literary scheme of the polemic as a whole consists of two different parts. The sources of the first (1-4) and of the second part (5-14) have already been pointed out. The results

¹⁷ Plato, *Gorgias*, 482 B.

¹⁸ Cf. E. A. W. Budge, *The Gods of the Egyptians*, (London, 1904).

¹⁹ About other vestiges of Plato in the rabbinic literature see Julius Guttmann, *Die Philosophie des Judentums*, (Muenchen, 1933), 50 f., 378, note 83; Manuel Joel, *Blicke in die Religionsgeschichte*, I, (Breslau, 1880), 114 ff., about the influence of the *Timaeus*.

²⁰ With regard to the structure of the fallacy, Edmund Husserl, *Logische Untersuchungen*, II, 46 f. would have said that the object dog never coincides with the meaning of the word dog. To Bertrand Russell, *An Inquiry into Meaning and Truth*, New York, 1940), the problem would be a merely linguistic one. The formal logic involved in fallacies was recently discussed by Stuart Chase, *The Tyranny of Words*, (New York, 1938), 226 ff.

²¹ Compare for the following my paper quoted in note 8.

The comparison shows that the rationalization of the element 3 is more advanced in I than it is in II. The coincidence of the same wording in I, 4 and II, 4b, proves that I stands nearer to

1. A polemic between Gamaliel and a pagan philosopher.
2. The philosopher asks Gamaliel a question with reference to the meaning of a Bible quotation.
3. Gamaliel uses in his answer the hypothetical naming of a person after a dog.

1. A polemic between R. Akiba and Tineius Rufus.
2. Rufus asks Akiba a question with reference to the meaning of a Bible quotation.
3. Akiba uses in his answer Rufus and Rufina as the names of his dream dogs.
4. The reaction of Rufus: *pyz 772*

I

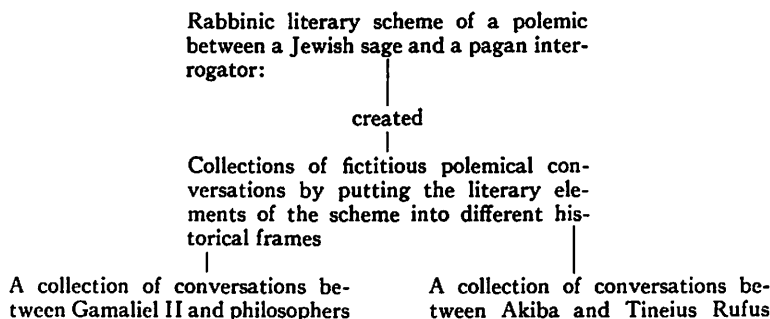
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of them. It is the same literary scheme of a polemical conversation between a Jewish sage and a pagan interrogator.

We have thus proved, for the first time, that not only Hellenistic Jewish polemics against idolatry and polytheism but likewise such polemics in early rabbinic literature had developed a characteristic literary scheme of argument. From the literary point of view, only a short step intervened between such a scheme and the collecting of polemical conversations. We have mentioned the derivation of our polemic from a collection of polemical conversations ascribed to Gamaliel. Similarly are the conversations between R. Akiba and Rufus²² derived from a collection of polemical discussions between that Jewish sage and that Roman governor.

In considering the complicated literary matter we are dealing with, the following depiction may be useful, since it throws light upon additional complexities we are going to discuss afterwards:

ARCHETYPE:



The polemic under consideration possesses a special theological significance. Solomon Schechter²³ once voiced the opinion that the Jewish laws against idolatry were not a practical issue, an opinion we cannot share any longer today since our insight into theological problems has deepened during the past decades.

²² Compare the passages quoted by W. Bacher, *op. cit.*, p. 287 ff., who voiced the opinion that there be no reason to look upon the conversations as "gaenzlich erdichtet."

²³ S. Schechter, *Some Aspects of Rabbinic Theology*, (New York, 1909), 141.

George Foot Moore²⁴ also pointed out that certain passages in Jewish apocryphal writings "have a historical appropriateness in the mouth of the supposed speakers rather than an actual interest." But the invention of a literary scheme for polemical conversations about idolatry speaks against Schechter's and Moore's assumptions. Behind our polemic as a whole stands a very definite theological conception.

The polemic may be classified as a "silent" polemic against the inevitable fate of Judaism inflicted on it by a historical development that seemed to be against the hope and the promises given by God to His people Israel. The polemic turns out to be a vestige of the endeavor of tannaitic Judaism to find some sense in the senseless historical experiences it had to endure. The pagans triumphed over Israel, but Israel recognizing the external powerlessness of its spirit in a hostile world, withdrew this spirit into the internal sphere of literary anonymity where this spirit could continue the fight against Israel's enemies — at least in an intellectual way. This shadow fight was based upon a religio-psychological fact. By the urgency of bitter historical experiences religious expression always becomes more passive. The primary Jewish *fides quae creditur* thus withdrew into an individualistic *fiducia*. The hopelessness of the historic reality was counterbalanced by an unshakeable belief in the future. This shifting into the sphere of eternal hope was a self-defense against the Christian and pagan *opinio historica* that Judaism had suffered a definite setback by the destruction of the Temple at Jerusalem and the Jewish Commonwealth.

The anthropological content of the polemic reveals how a Jew of the second century regarded idolatry and how a pagan's idolatrous thinking looked to him.

As we see the pagan's attitude of reverence for the idol through the eyes of the Jewish compiler of the polemic, the pagan is pictured as expressing the opinion that the idol is fraught with divine power. This power manifests itself to such an extent that God becomes jealous of it (1-3) and the idol is able to protect itself (6-7). Therefore, the power does not only manifest

²⁴ *Op. cit.*, p. 363, note 4.

itself in the consciousness of the idolater but also in a differently conditioned form outside an individual consciousness in an objective manner. That meant to the idolater the confirmation of his belief in the idol since he recognized that it is the same power he is aware of (3). Both expressions of power are to him but different modes of the same origin. The idol's power distinguished as material from the power worshipped in the idol by the idolater is for that reason a vindication of the idolater's belief.

The criticism of idolatry in this polemic is noticeably mild. "But is it only one object (דבר אחד) that you worship?" sounds — aside from the rhetorical implication involved in the question — like a measure of tolerance for the existence of a certain form of idolatry. And the following enumeration (11) of the different objects of idolatry testifies to an upward movement in judging them. The starting point is the lowest grade of idolatry: the worshipping of aniconic idols (דבר אחד), i. e., wooden posts, stone steles and cones, unshaped idols. According to the wording (10) such fetishes, representing a degraded form of animism, were to the Jewish compiler of the polemic a somewhat milder expression of idolatry since the worship of the sun, the moon, the stars and the constellations are the very objects he is especially fighting against.²⁵ The worst idolatrous object is the worship of human beings. Thus, we encounter a conception of idolatry which makes a distinction between the worship of idols to be condemned to a greater or smaller extent. But contrary to the Bible and to the viewpoint of rabbinic Judaism the worship of aniconic idols was not less idolatrous than the worship of the constellations or of man. Therefore the gradual distinction of idol worship cannot be primarily of Jewish origin. The same gradual distinction is also to be found in the diatribe against idolatry in the *Book of Wisdom*. Its origin is, according to the competent judgment of Isaac Heinemann,²⁶ a Greek one. This and the Greek literary influence we pointed out are traces that imply in a polemic against idolatry a very definite anthropological appropriateness

²⁵ The mention of דברים; נבקות in 11 does not interrupt the upward movement of the enumeration materially since they are of a literary origin, taken from the *Tosefta*, *Aboda Zarah*, VI, 8, ed. Zuckermann, p. 470.

²⁶ *Op. cit.*, p. 147.

already alluded to by the mention of the dog-headed Egyptian god Anubis, very often associated with widespread Greek mystery cults. Originally the jackal-headed in Egypt, Anubis became later — as the son of Osiris — the dog-headed when confused with the wolf god of Lykopolis. The North African Apuleius of Madaura (second century C. E.) mentions in *The Metamorphoses*, XI, 9 ff., in the description of a religious procession, Anubis as leading the row of the gods. Anubis was represented by a priest with a dog mask.²⁷ On a marble altar of the Isis Temple erected by Caligula at Rome the dog-headed Anubis is holding the herald stick in the left hand, the green palm branch in the right.

Summarizing the results of the inquiry we may state, that the polemic as a whole represents a subsequent interpolation into the original *Mekilla* text. It was taken from a collection²⁸ of fictitious polemic conversations ascribed to the Patriarch Gamaliel II and a pagan philosopher and is of a literary origin. It must have originated at the latest during the second century.²⁹ A later date is not imaginable due to its historical and theological appropriateness. Theologically speaking it is a remnant of the silent but strong rabbinic resentment against the heathen world that had crushed Jewish secular and religious independence and largely reduced Jewish existence to a *spatium imaginarium*.

The polemic uses in its argumentation against idolatry the same *topoi* and the same terminology as occur in Jewish Hellenistic literature. Thus the naming of the idolaters as שׂוֹטִים (12) has its equivalent, for instance, in the Diatribe against Idolatry in the *Sapientia* (XIV.11; XV.5.14). These traces of Greek influence go back to the predominantly Hellenistic cultural orienta-

²⁷ *The Golden Ass*, XI, 11, ed. S. Gaselee, 1915, (*The Loeb Class. Libr.*), 556: Anubis, laeva caduceum gerens, dextera palmam virentem quatiens; about the latter see C. Mackay, "The Sign of the Palm-tree," *Church Quarterly Review*, CXXVI, 187, *sqq.*

²⁸ The existence of another *Collection* was ferreted out in my paper "The Colloquy of Marcus Aurelius with the Patriarch Judah I," *JQR*, XXXI (1940-41), 259-286. Professor Louis Finkelstein (*ibid.*, p. 226) evidently shares the solution I advanced.

²⁹ I assume that the tannaic material used by the second part of the polemic (5-14) was not used in the redacted form or version of the *Mishna* and *Tosefta*.

tion of the Judaism of the first two centuries C. E. Greek as the world language of these times was the language spoken by Hellenized Jews and used likewise in their religious practice. Inscriptions found on Synagogues, on tombstones, and in Jewish catacombs, are mostly in Greek. There exists even the fragment of a Jewish-Greek prayerbook preserved by a Christian Church regulation³⁰ of the fourth century. Recently, a Greek papyrus version of the tefilla reappeared.³¹ The interpretation of the Bible and the sermons in the Synagogues were likewise in Greek. From there, elements of Jewish Hellenistic Bible exegesis representing a Greek Haggadah filtered down into the rabbinic haggadah. This is the main source for the occurrence of Greek ideas and thoughts, of elements of Greek culture, literature, and folk-lore in the rabbinic writings extant till today. This is the Jewish Hellenistic background the traces of which were unearthed in the polemic we dealt with.

With regard to literary history the recognition is important that not only Jewish Hellenistic literature had developed a literary scheme for its argumentation against idolatry but rabbinic literature too. That fact indicates that there does not exist a breach in the continuity between Hellenistic and rabbinic polemic against idolatry. The same valuation of idolatry in the respective argumentations bear ample proof as to the correctness of this statement. The polemical tools employed were the same. As a matter of fact, our polemic reaches even out to the continuation which rabbinic polemic against idolatry found in the early Christian apology. It is known³² that the latter, when it was paving the path for the new creed, used the polemical weapons developed and used by rabbinic literature. Early Chris-

³⁰ In the *Constitutiones Apostolicae*, VII, 33-38; I follow the excellent survey on the Hellenistic Jewish Diaspora as outlined by Hans Lietzmann, *Geschichte der Alten Kirche I* (1932), 64-101.

³¹ Cf. A. Marmorstein, "The Oldest Form of the Eighteen Benedictions," *JQR*, XXXIV (1943), 137-159. Marmorstein did not use the tefilla fragments preserved in the *Constitutiones Apostolicae*. Arthur Spanier, "Die erste Benediktion des Achtzehngebetes," *MGWJ*, 81 (1937), 71-76, has already used them for the interpretation and inquiry in the historical development of the Hebrew text, anticipating a number of Marmorstein's suggestions.

³² Compare P. Wendland, *op. cit.*, passim.

tian literature used the term "philosophos" to designate a man with recognized authority in issues of a religious nature.³³ The Hellenist Justin Martyr, for instance, bids the Jew Tryphon to address him as a "philosopher."³⁴ Now the place of the "philosophos" mentioned as interrogator in our polemic becomes, in this apologetic environment, quite clear.

We hope to have shown by this inquiry that only by applying the modern method of literary form criticism to a haggadic text, its literary form and its origination is to be recognized. It is not enough to deal with such haggadic texts by taking into consideration internal factors only. The external forms are of decisive importance too.³⁵ But to depend only on the literary forms in which the traditions are transmitted, would be wrong too because there exists naturally an inseparable connection between the external forms and the inner contents of every text. Thus, the origination of any rabbinic text which is going to be used as a historical source affords before its being utilized as an instance of historical evidence, a literary treatment. The task is to ferret out its historical appropriateness as to the literary implications involved in it. Only after such an inquiry is it possible to judge whether the respective text is of primary historic value or just the secondary literary transmission of a prior historical source.

Now, what does it mean if the form-critical treatment of the polemic we dealt with found out that a story ascribed by ancient tradition to Rabban Gamaliel, a man of prime importance in the history of early Judaism, turns out to be definitely a mere literary product? Although the story is unhistorically ascribed to Gamaliel, it is nevertheless a valid source of information of the

³³ See note 8. I was unable to see F. Doelger, "Zur Bedeutung von philosophos and philosophia in Byzantinischer Zeit," known to me by the note in *Byzantinische Zeitschrift*, XL (1940), 293.

³⁴ Cf. L. Wallach, in *JQR*, XXXI (1940-41), 284.

³⁵ A. Marmorstein, "The Background of the Haggadah," *HUCA*, VI (1929), 185, was the only scholar to stress the importance of such an approach. Cf. also the form critical characterization of haggadic material by M. Dibelius, *From Tradition to Gospel* (London, 1934), 133 ff. Arthur Spanier applied the method to liturgical texts; see his studies in *MGWJ*, LXXVIII-LXXXI (1934-1937).

tannaitic Judaism which produced it. Its value is not lessened because the social forces of rabbinic Judaism created it rather than the historical Gamaliel. Even if the larger part of the stories and tales contained in rabbinic literature should be of such a purely literary origination, all these literary creations reveal more about the Judaism of the times of their writing than they do of the venerable men of Jewish tradition to which they are ascribed. But for that reason there is no less value in them. They are as valid as historical sources as other source material provided that they are handled in the proper scientific way. The challenge is to see, through the dazzling sheen of men who made Jewish history, some of the history made by the impact of their names.

Only by the method of literary form criticism, the real insight into the origination of rabbinic literature can be gained and the indispensable treatment provided with that must be preliminary to the utilization of any haggadic text as a historical source.

9.

LA CHAÎNE DE LA TRADITION PHARISIENNE

Élie BIKERMAN

La Synagogue n'avait que de vagues et intermittents souvenirs des quatre siècles qui séparent Esdras et Néhémie de Hillel et Shammaï (1). Même la fête de la Hanoucca n'a pas fixé des associations historiques. Les récits talmudiques touchant cette période sont des anecdotes, farcies de détails empruntés à des époques et à des incidents divers. On les racontait pour l'édification ou l'amusement des auditeurs (2). Mais les rabbins à Tibériade ou à Pumbeditha n'étaient pas les seuls à traiter l'histoire cavalièrement. Les lettrés païens, contemporains des *tannas* et des *amoras*, ne connaissaient, eux aussi, en fait d'histoire que de petits faits. Ces *exempla* leur servaient à émailler un discours ou à illustrer tel lieu commun de morale (3). Les rabbins ne racontaient que des fables sur Alexandre le Grand (4). C'est parce que eux, comme tout le monde, sauf quelques érudits moroses, se plaisaient à lire l'« Histoire » attribuée à Callisthène. Pour eux tous, les Séleucides se confondaient dans un seul « Antiochus » (5). Mais il n'en allait pas autrement pour Dion de Pruse ou Lucien. Celui-ci a attribué à Stratonice, épouse de Séleucus I^{er} et d'Antiochus I^{er}, une aventure de contes orientaux (6). C'est en vain que les rois macédoniens d'Égypte favorisèrent les Juifs et protégèrent arts et sciences. Les rabbins ne mentionnent « le roi Ptolémée » qu'incidemment à propos de la version des Septante (7). D'autre part, les écrivains byzantins confondent le roi

(1) Cf. J. DERENBOURG, *Essai sur l'histoire... de la Palestine d'après les Thalmuds et les autres sources rabbiniques* (1867), p. 57.

(2) Voir p. ex. Isr. LÉVI, *REJ.*, XXXV (1897), pp. 213-223.

(3) H.-I. MARROU, *Saint Augustin et la fin de la culture antique* (1938), p. 115 ss.

(4) Cf. Isr. LÉVI, ap. *Jew. Encycl.*, I, 342-343; Id. *REJ.*, LXIII (1912), pp. 211-215; L. WALLACH, *Proceed. of Americ. Acad. of Jewish Research*, XI (1941), p. 47 ss.

(5) S. KRAUSS, *REJ.*, XLV (1902), p. 27.

(6) Dio PRUS., xxxi, 113; xxxviii, 6. LUCIAN, *de dea Syr.* 17. Cf. E. BENVENISTE, *Mélanges R. Dussaud*, I (1939), p. 249 ss; A. H. KRAPPE, *Byzantina-Metabyzantina*, I (1944), pp. 189-199. Lucien ne connaît que deux anecdotes, qu'il redit plusieurs fois, sur l'histoire des Séleucides: Séleucus I^{er} cède sa femme (Stratonice) à son fils Antiochus I^{er} (*de dea Syr.* 17; *Icaromen.* 35; *de salt.* 58; *de hist. consc.* 35), et la victoire galatée de celui-ci (*Zeux.* 8; *de laps.* 8). Cf. aussi *de laps.* 10.

(7) J. BONSIRVEN, *Le Judaïsme Palestinien*, I (1934), p. 39; A. GEIGER, *Urschrift und Uebersetzungen der Bibel* (1857), p. 439 ss.

et l'astronome Ptolémée en une seule et même personne (1). Pour accommoder l'histoire au nombre fatidique des « soixante-dix semaines », José ben Halaphta réduit à trente-quatre ans la durée de la domination perse. A la cour des Sassanides on ne donnait que deux cent soixante-six ans à leurs prédécesseurs Arsacides (qui régnèrent 450 ans) (2), et les Mages zoroastriens avaient tout simplement éliminé les Achéménides de l'histoire perse (3). Sous l'Empire, dès le III^e s. ap. J.-C., les Grecs commencèrent à abandonner la littérature hellénistique, écrite dans la *Koiné*, qui, pourtant, restait leur idiome parlé. Les Juifs délaissèrent de même les ouvrages araméens, tous ces « livres nombreux » de l'époque hellénistique dont parle l'Ecclesiaste, alors même qu'ils continuaient à parler araméen. « Pourquoi parler araméen dans le pays d'Israël? Que ce soit ou la langue sacrée ou la langue grecque. » On croirait entendre, *mutatis mutandis*, Philostrate ou tel autre maître de la « Seconde Sophistique ». Or c'était leur contemporain, R. Juda le Prince, rédacteur de la Mišna, qui faisait cette déclaration de purisme (4).

Un oubli général couvrit les siècles qui s'étaient écoulés entre

(1) MALALAS, p. 196, ed. G. DINDORF; ZACHARIAH OF MITYLENE, *The Syriac Chronicle* (tr. F. J. HAMILTON et E. W. BROOKS), XII, 7.

(2) Sur la chronographie juive voir ISID. LÉVY, *REJ.*, LI (1906), p. 186 ss. Sur la chronologie des auteurs sassanides cf. E. J. BROWN, *Literary History of Persia*, I (1901), p. 119; W. BARTOLD, *Zapiski* de la Section Orientale de la Société archéol. Russe, XXII (1915); M^{me} HILD. LEWY, *Journ. Amer. Orient. Soc.*, LXIV (1944), p. 197 ss.

(3) L'analogie de méthode entre le chronographe juif, qui enseignait vers 170 ap. J.-C., et les auteurs sassanides (du III^e au VI^e s. ap. J.-C.) est remarquable. La base de calcul est la même : le début du comput courant, c'est-à-dire de l'ère séleucide, en 311 av. J.-C. Ensuite, l'histoire est sacrifiée à la théologie. Les Juifs entendaient les 70 semaines = 490 ans de *Daniel*, I, 26, de la période qui s'écoula entre Jérémie et la destruction du Second Temple, en 70 ap. J.-C. (cf. J. A. MONTGOMERY, *The Book of Daniel* (1927), p. 397). Comme, d'après *Jérémie*, xxv, 11, l'Exil babylonien devait durer 70 ans, il ne restait que 420 ans (490-70) pour l'époque du Second Temple, de Cyrus à Vespasien. Mais l'ère des Séleucides était pour les Juifs celle « de l'empire grec » (*I Macc.*, I, 10; cf. ABEL, *Comm.*, p. XLIX). Partant, la période grecque commençait en 311 av. J.-C. D'autre part, Alexandre le Grand devint le maître de l'Empire Perse dans la sixième année de son règne, ce qui a amené le chronographe juif à placer six ans d'Alexandre, avant la domination grecque. De cette façon, il n'est plus resté que 34 ans pour les monarques perses, à savoir 490 — 456 (70 + 380 + 6). Comme l'Écriture ne contient les noms que de quatre rois de Perse, cette réduction pouvait ne pas paraître absurde. Cf. H. L. GINSBERG, *Studies in Daniel* (1948), p. 19. — Les auteurs sassanides d'autre part, par une aberration quelconque, identifièrent le début de l'ère des Séleucides avec l'apparition de Zoroastre. Comme une liste des rois (mythiques) plaçait cet événement 258 ans avant Alexandre le Grand, et comme le règne de celui-ci avait duré 14 ans, on ne pouvait compter que 266 ans pour la dynastie des Arsacides, renversée par les Sassanides en 227 ap. J.-C.

(4) S. LIEBERMAN, *Greek in Jewish Palestine* (1942), p. 21. Sur la répudiation de la littérature hellénistique, voir p. ex. W. SCHMID, *Gesch. der griech. Literatur*, II, 1 (1920), p. 27. Le jugement de Denys d'Halicarnasse sur Polybe est caractéristique (*de comp. verb.* 4; *ant. Rom.* I, 6, 2). Notons que l'*Ecclesiaste* et *Daniel*, écrits en araméen, ne furent préservés qu'en traduction hébraïque. Voir H. L. GINSBERG, *Studies in Daniel* (1948) et *Studies in Kohelet* (1950). De même, l'*Ecclesiastique* fut retraduit en Hébreu.

Alexandre et Auguste, parce que personne n'avait plus intérêt à s'en souvenir. A chaque jour suffit sa peine. Pour que le passé continue à vivre dans la mémoire de la postérité, un effort soutenu et constant est indispensable. S'il vient à manquer, pour quelque raison que ce soit, on ne garde des fastes d'autrefois que tel ou tel trait qui peut encore édifier ou divertir le présent. Pour les Coptes les anciens pharaons étaient devenus des magiciens puissants (1). Sous les Césars de Rome et de Constantinople, c'étaient seulement les édifices bâtis par les Séleucides à Antioche qui perpétuaient encore leur souvenir dans leur ancienne capitale (2). Car, après la conquête romaine, aucune institution sociale (dynastie, école, secte, etc.) ne cultiva le souvenir des vaincus (3). Pour tout le monde, comme pour ce cheikh syrien rencontré par Apollonius de Tyane, « Antiochus et Séleucus » n'étaient que des noms déchus d'autrefois (4). Le présent et l'avenir appartenaient aux Romains. On disait « autant que durera la domination romaine » pour exprimer l'idée de « toujours » (5). Ce caractère définitif du régime des Césars, qui pesait sur un monde sans issue, ravala et avilit l'âge hellénistique. Les maîtres de l'univers, se croyant tels à tout jamais, méprisaient naturellement leurs malchanceux prédécesseurs. Auguste, qui alla au tombeau d'Alexandre, se refusa à visiter le mausolée des Lagides, disant qu'il voulait voir un roi et non des cadavres. Tite Live dira que les Macédoniens, à Alexandrie, à Séleucie, dans toutes les colonies dispersées de par le monde, ont dégénéré en Égyptiens et en Syriens (6). Les vaincus eux-mêmes n'étaient naturellement pas soigneux de la réputation des rois déchus. Ils abandonnèrent les siècles abolis. Vers le début de l'Empire Romain, les Grecs commencèrent à se détourner, décidément et consciemment, de l'histoire, de la littérature, de la langue hellénistiques et à chercher les règles de l'art et de la vie dans la Grèce classique, celle du Parthénon et de Démosthène. Pour la même raison et à la même époque, Jérusalem oublia la période

(1) G. MASPERO, *Études de mythologie*, VII, p. 443.

(2) *Malal.*, p. 200 ss.

(3) Il est significatif que l'ouvrage de Callinque de Pétra sur l'histoire alexandrine, qui devint la source principale de Porphyre et, partant, de Jérôme, pour l'explication des conflits des rois hellénistiques dans Daniel, ait été composé pour la reine Zénobie-Cléopâtre qui se donnait comme l'héritière des Ptolémées. Cf. F. JACOBY, *Die Fragmente der griechischen Historiker*, III, n° 281. Il est non moins significatif que ce soit le païen Libanius qui, sous les empereurs chrétiens, ait cultivé le souvenir nostalgique des Séleucides (LIBAN., *Or.* XI). Notons que la littérature de l'opposition alexandrine aux empereurs romains est muette sur les Ptolémées.

(4) PHILOST., *Vita Apoll.*, I, 38.

(5) F. CUMONT, *Catalogue du Musée du Cinquantenaire* (1913), n° 133 (*Rev. étud. anc.*, III, p. 273), Acmonia (Phrygie), l'an 95 ap. J.-C. : τοῦτο δὲ τὸ ψήφισμα νενομιστῆσθαι τῷ αἰῶνι τῆς Ῥωμαίων ἡγεμονίας φυλαχθῆσόμενον.

(6) DIO CASS., II, 16, 5; Liv., XXXVIII, 17.

postérieure à la Bible. Après Hérode et surtout sur les ruines du Temple, qui pouvait avoir de l'intérêt pour un Judas Maccabée? Comme tout le monde, le Juif devint classique, ferma les rouleaux modernes et ouvrit la Bible. Les Talmudistes vivent avec David ou Jérémie tout comme les lettrés grecs, leurs contemporains, se meuvent spirituellement parmi les ombres d'Athènes et de Sparte d'autrefois (1).

* * *

On comprend maintenant que, de la période postérieure à la Bible, la Synagogue n'ait gardé qu'un seul document historique : la liste des prédécesseurs de Hillel et de Shammaï. Cette suite de noms forme le premier chapitre du traité *Abot* dans la Mišna. Mais originellement, comme M. Louis Finkelstein vient de le conjecturer, elle était attachée au *Crédo* qui présentement est incorporé dans le traité Sanhédrin, ch. x (xi) (2). Ce « manifeste des Pharisiens » déclare : « Tout Israël a part au siècle à venir, comme il est écrit (*Is.*, LX, 21) » (3). Suivent des exceptions à ce principe général : la génération du Déluge et d'autres grands scélérats de la Bible (4). Le document continue : « Moïse fut sanctifié dans la nuée et reçut la *Tora* du Sinaï, comme il est écrit (*Ex.*, XXIV, 16). Josué reçut de Moïse, comme il est écrit (*Dt.*, XXXIV, 9). » Les Anciens, les Juges, les Prophètes suivent comme

(1) Cf. p. ex. LUCIAN., *Rhet. Praec.* 16 : « Il te faut avant tout du Marathon et du Cynégire... parle-moi de Salamine, de l'Artémision, de Platées ». Cf. H.-I. MARROU, *Histoire de l'éducation dans l'antiquité* (1948), p. 280, à qui j'emprunte ce passage. Sur les origines de l'Atticisme, cf. W. KROLL, s. v. *Rhetorik*, *PW.*, Suppl. VII, 1105-1108.

(2) L. FINKELSTEIN, *Introduction to the Treatises Abot and Abot of Rabbi Nathan* (N. Y., 1950), en hébreu, avec un résumé anglais (pp. I-XLVIII). N'étant pas initié aux études talmudiques, je traduis le texte hébreu du document (p. 226 ss.; cf. p. xxvi ss.) comme il est reconstruit et compris par le savant auteur.

(3) Sur le terme *'olam-ha-ba*, cf. BONSIRVEN, *op. l.*, I, 310 ss. M. FINKELSTEIN traduit : *all Israel has a destiny in the future eternity*.

(4) La passage dans *Sanh.*, c. x (xi) : « voici ceux qui n'ont pas de part au siècle à venir : celui qui dit qu'il n'y a pas de revivification des morts, que la *Tora* n'est pas du Ciel, et l'Epicurien » est regardé par M. Finkelstein comme une addition postérieure, faite vers 170 av. J.-C. (p. xli). Cette date me paraît trop haute. La triade des hérétiques correspond aux trois points controversés entre les Pharisiens et les Sadducéens, à savoir la résurrection, la loi orale et le dogme de la Providence. Or, c'est seulement vers le commencement de notre ère que, dans l'éclectisme philosophique, tout le monde commença à croire au gouvernement divin de l'univers. Encore Virgile pouvait dire : *nec curare deum credis mortalia quemquam* (*Buc.*, VIII, 35). Plus tard, quand les Péripatéciciens eurent disparu (ÉPICT., *Diss.* I, 19, 20; cf. aussi BRINK, *PW.*, Suppl. VII, 900 ss.) et que l'Académie accepta la théodicée du Portique, l'Epicurien seul continua à nier la Providence. Josèphe (*Ant.*, x, 11, 7, § 278) cite les prophéties de Daniel expressément pour réfuter les Epicuriens. Un renouveau de leur propagande au II^e s. ap. J.-C. provoqua une réaction violente parmi les bien pensants. Alexandre le Faux Prophète anathématisait les athées, les Chrétiens et les Epicuriens. Cf. L. CASTER, *Lucien et la pensée religieuse de son temps* (1938), pp. 84-90. Je note, en passant, que, dans une autre clause, le document emploie un mot grec (*idiotai*) pour dire « hommes privés ».

intermédiaires, introduits par la même formule. Ensuite, selon la reconstitution de M. Louis Finkelstein, le document nommé Aggée, Zacharie et Malachie, sans renvoyer à l'Écriture à leur sujet (1). « Les gens du grand rassemblement reçurent d'Aggée, Zacharie et Malachie. Ils ont dit trois choses : Soyez patients en rendant la justice, formez une haie autour de vos paroles, formez un grand nombre de sages (2). Siméon le Juste fut un des survivants du « grand rassemblement ». Il avait l'habitude de dire... (son précepte est cité). Antigonus de Socco reçut de Siméon le Juste. Il avait l'habitude de dire... (sa maxime suit). » La liste continue de la même manière jusqu'à Hillel et Shammaï.

En tout, le document nommé quatorze intermédiaires dans la transmission de la *Tora*. Comme le note M. L. Finkelstein, ce nombre n'est pas accidentel (3). Dans le premier évangile la généalogie de Jésus est formée de trois chaînes dont chacune a quatorze anneaux (*Mt.*, I, 17). Le Chroniqueur compte quatorze grands prêtres d'Aaron jusqu'à Azarias, le premier pontife au temple de Salomon, et de nouveau quatorze successeurs de celui-ci jusqu'à Yaddua (*I Chr.*, v, 29-41 et *Neh.*, xii, 10). Mais précisément ces parallèles font ressortir la nouveauté de la chaîne pharisienne. Dans celle-ci la lignée professorale, de maître à élève, est substituée à la filiation naturelle des aïeux aux descendants. Quel est l'objet de cette construction? Elle n'était pas nécessaire pour faire remonter jusqu'au Sinaï la *Tora* des Pharisiens et en déposséder les prêtres (4). Au contraire, un anneau incertain aurait suffi pour invalider cette transmission du trésor de la foi, et les lacunes dans la première partie de la chaîne sont béantes. Maïmonide a tâché de les remplir (5). Les rabbins, qui disaient que Dieu approuve

(1) M. Finkelstein note (p. xxxvi) : « les auteurs du document n'ont pas compté Aggée, Zacharie et Malachie parmi les prophètes ». C'est pour cette raison, principalement, qu'il date le « Manifeste » du III^e s. av. J.-C. Pourtant, le fait que ces trois prophètes sont nommés dans la chaîne de la tradition prouve qu'ils étaient déjà « canoniques » pour les auteurs du Manifeste. On croirait plutôt qu'ils sont nommés séparément pour indiquer l'anneau intermédiaire entre la période biblique et les chaînons qui suivent. Comme on le sait, Aggée, Zacharie et Malachie sont souvent mis à part dans les sources rabbiniques comme « derniers prophètes ». Cf. BONSIRVEN, *op. l.*, I, 211; N. GLATZER, *Rev. of Religion*, 1946, pp. 122 et 129.

(2) Sur les *an'ê-keneset ha-gedolah*, cf. *Rev. Bibl.*, LV (1948), pp. 397-402. Mais les deux derniers ouvrages de M. L. Finkelstein m'ont fait changer d'avis sur ce groupe. Je suis maintenant plutôt incliné à penser que le terme désigne un concile général, dont Siméon le Juste, vers 200 av. J.-C., fut un des survivants. Pour la terminologie, cf. LXX, *Ex.*, xxxviii, 15; *I Macc.*, xiv, 27. Les Ptolémées, on le sait, avaient souvent convoqué des synodes du clergé égyptien. En somme, je me rallie à l'opinion soutenue naguère par M. Finkelstein, *JBL*, LIX (1940), p. 455 ss. La question vient d'être reprise dans L. FINKELSTEIN, *The Pharisees and the Men of the Great Synagogue* (N. Y., 1950, en hébreu, résumé anglais de 15 pp.), ch. iv-vii.

(3) FINKELSTEIN, *op. l.*, p. 8 ss.; p. xi et surtout p. xlv ss.

(4) Cf. p. ex. Is. LOEB, *REJ.*, XIX (1889), p. 188 ss.

(5) MAÏMONIDES, *The Mishnah Torah*, éd. et trad. angl. de M. HYAMSON (New York,

les interprétations de tel docteur (1), n'avaient pas besoin de cette chaîne de transmission pour étayer leur autorité. La liste fut établie dans l'intention de fixer la lignée du *Beth Hillel* et du *Beth Shammai*. Car ces « Maisons » étaient des Écoles, et des Écoles hellénistiques (2).



Platon fut le premier professeur qui pensa à perpétuer son enseignement. Il laissa son école à Speusippe. Xénocrate succéda à celui-ci, Polémon à Xénocrate. De cette manière « l'Académie » continua à exister durant plus de huit siècles jusqu'à 529 ap. J.-C., date où elle fut fermée par Justinien. L'exemple de Platon fut suivi par Aristote qui en 322 légua son « Lycée » à Théophraste. En 306 Épicure fonda son « Jardin »; Zénon, en 301, l'école stoïcienne du Portique. Dans ces écoles, centres des « sectes » platonicienne, péripatéticienne, etc., organisées sous la forme de confréries religieuses, l'enseignement du fondateur fut transmis de génération en génération par des scholarques successifs (3). Déjà vers 200 av. J.-C., Sotion rédigea les listes de ces chefs d'école. Ensuite, la série des « Successeurs » (*diadochoi*) forma la charpente de toute histoire de philosophie grecque (4). On lit par exemple, chez un contemporain de Hillel et de Shammai, que « l'école d'Épicure continua (après sa mort) jusqu'au premier César durant deux cent vingt-sept ans (271-44 av. J.-C.). Pendant ce temps il y eut quatorze successeurs » (5). Les Anciens notaient cette succession des scholarques, parce qu'elle revêtait un tout autre sens qu'une liste purement chronologique. Depuis Socrate, la philosophie ne fut plus une connaissance technique, qui peut devenir périmée, mais un mode de vie, *ars vivendi*, découvert par le fondateur de l'école philosophique. Dans son école, on lit, explique et commente ses œuvres à perpétuité. Sa doctrine est « un grand et précieux avoir » (6).

1937), p. 3, donne la succession : Moïse, Josué, Phinéas, Éli, Samuel, David, etc. Plus tard, Esdras suit Baruch, etc.

(1) BONSIRVEN, *op. l.*, II, p. 308; I, p. 271.

(2) Cf. HORAT. C. I, 29, 14 : *Socraticam... domum*.

(3) Cf. p. ex. P. BOYANCÉ, *Le culte des Muses chez les philosophes grecs* (1936), pp. 261-267 et 299-327. Je néglige ici le Pythagorisme, à cause de son caractère sectaire, et aussi les écoles techniques de médecine.

(4) Cf. F. SUSEMIEL, *Gesch. der griech. Literatur in der Alexandrinerzeit*, I (1891), pp. 496-498; Ed. SCHWARTZ, *PW.*, V, 754. R. Philippson (*Rhein. Mus.*, LXXVIII (1929), p. 344 et LXXIX (1930), p. 406) identifie maintenant Sotion avec le maître de Sénèque qui porte le même nom. Cette question biographique n'a pas d'importance ici. Il est certain que la littérature des « Successions » philosophiques commença longtemps avant la période romaine.

(5) SUIDAS, s. v. *Epicurus*.

(6) CIC., *Acad.* II, 23. Cf. la note de J. S. Reid *ad loc.*; DIOGEN. OENOAND., ed. J. William (1907), fr. 23 : μέγα τι καὶ τίμιον κτῆμα φιλοσοφία πεπίστευται.

L'art de vivre ne peut être appris dans les livres seulement. Le philosophe vivait sa doctrine, et l'enseignement était aussi une direction spirituelle. Les livres publiés ne pouvaient jamais contenir toute la richesse de l'instruction orale (1). Ainsi, Strabon, ayant rapporté que les cahiers de cours d'Aristote et de Théophraste furent égarés après la mort de celui-ci, suppose que dès ce temps les Péripatéticiens ont pu déclamer sur des principes, mais non plus philosopher. Le grand devoir des disciples était de transmettre fidèlement la doctrine de l'École. On reprocha à Arcésilas d'avoir « ébranlé » la doctrine de Platon. On loua ses prédécesseurs, de Speusippe à Cratès, d'avoir « sauvegardé soigneusement ce qu'ils avaient reçu de leurs prédécesseurs. » Même dans l'École Pyrrhonienne on se référait à l'opinion « de plus anciens sceptiques ». On y savait qu'Euphranore avait été parmi les disciples de Timon. « Eubule entendit d'Euphranore, de lui Sarpédon », etc. (2).



Les historiens grecs appliquèrent aussi à la sagesse barbare cette idée de filiation académique. Déjà Sotion donna place aux « Barbares » dans son ouvrage sur la « Succession des Philosophes ». Les Grecs établirent, par exemple, « la succession des Mages » : Ostanès (qui accompagna Xerxès), Astrampsychus, Gobryès, Pazatès. Mais comme on plaçait Zoroastre six mille ans avant Xerxès, Pline l'Ancien doutait qu'il pût être l'inventeur de la Magie. « Il serait d'abord surprenant que la mémoire de cet art eût duré pendant une période si longue, en l'absence de notes de cours et sans être sauvegardée, d'autre part, par une succession perpétuelle de maîtres renommés » (3).

Les « Barbares » hellénisés imitèrent l'exemple grec. Vers le milieu du II^e s. ap. J.-C., Sex. Pomponius donna dans son « Manuel » la « Succession » des juristes romains, jusqu'à son temps (4). Parmi les Juifs, Eupolème, vers 150 av. J.-C., semble avoir conçu l'idée d'une « succes-

(1) Cf. MARROU, *op. l.*, pp. 284-288; A.-J. FESTUGIÈRE, *La révélation d'Hermès Trismégiste*, II (1948), pp. 34-47; W. JAEGER, *Paideia*, III (1947), pp. 194-196.

(2) STRABO, XIII, 1, 54 p. 608, cf. BRINK, *PW.*, *Suppl.*, VII, 939; DIOG. LAERT., IV, 4; CIC., *Acad.* I, 34; SEXT. EMPIR., *Pyrrh.* I, 36. Sur la « succession » sceptique, DIOG. LAERT., IX, 115-116.

(3) PLIN., *n. h.*, XXX, 4 : *Mirum hoc in primis durasse memoriam artemque tam longo aevo, commentariis intercedentibus, praeterea nec claris nec continuis successionibus custoditam.* Je traduis le texte tel qu'il est constitué dans J. BIDEZ et F. CUMONT, *Les Mages Hellénisés*, II (1938), p. 10; cf. *ib.*, p. 7 et I, p. 171 n. 4.

(4) *Dig.*, I, 2, 35-53. Cf. B. KÜBLER, *PW.*, I A, 380-394; F. SCHULZ, *History of Roman Legal Science* (1946), pp. 119-121; V. ARANGIO-RUIZ, *Storia del diritto romano* (5^e éd., 1947), pp. 276-281. Pomponius composa son tableau historique *ut appareat a quibus et qualibus haec iura orta et tradita sunt*. Une « succession » des médecins se trouve dans CELSUS, *de arte medic.*, Prooem. 8.

sion » des prophètes (1). On notera que la mention des « Prophètes » dans le document pharisien suppose aussi un ordre de succession. Josèphe ne doute pas de cet ordre. Il dit que Moïse et les prophètes après lui décrivirent les événements de leur propre temps. Mais l'histoire de la période postérieure à la Bible est moins sûre, parce que « la succession exacte des prophètes » y manque (2).

A leur tour, les Pharisiens, après la mort de Hillel et de Shammaï, vers le commencement de notre ère, établirent la généalogie spirituelle de leur enseignement. On notera que, à partir d'Antigonos de Socco (3), la succession se fait par paires : Hillel et Shammaï reçurent de Shemaïa et d'Abtalion, etc. (4). La tradition remontait naturellement à Moïse lui-même, *fons et origo* de la sagesse juive. De la même manière, le nécromant de Lucien va à un Mage « des disciples et successeurs de Zoroastre ». Sex. Pomponius ne fut pas satisfait de fixer tant bien que mal la chaîne des « successeurs » de T. Coruncianus (consul de 280 av. J.-C.), qui avait inauguré à Rome l'enseignement systématique du droit. Il remonta jusqu'à la source première de la jurisprudence romaine : ce Papirius qui aurait rassemblé les *leges regiae* au temps de Tarquin le Superbe. De même, pour les historiens grecs, Épicure ou Zénon furent des héritiers directs, par une succession ininterrompue, des Sept Sages (5).

(1) On ne comprend pas autrement pourquoi, parlant d'Élie, Eupolème donnait la succession Moïse-Josué, et parlait ensuite de Silo et de Samuel. Malheureusement, son ouvrage n'est connu qu'à travers deux intermédiaires : Eusèbe (*Pr. ev.*, ix, 30, 447 a) qui copia Alexandre Polyhistor. Cf. J. FREUDENTHAL, *Alexander Polyhistor* (1875), p. 225. Notons que l'Écriture ne connaît pas cette idée de succession. Les prophètes sont envoyés par Dieu quand le peuple élu en a besoin (*Jer.*, vii, 25). De même Ben Sira ne note la succession prophétique que dans les deux cas bibliques : Moïse et Josué (xlvi, 2); Élisée et Élie (xlviii, 12), tandis que Nathan apparaît simplement « après » Samuel (xlvii, 1).

(2) Jos., *C. Ap.*, I, 8, § 41 : ἀπὸ δὲ Ἀρταξέρξου... μὴ γενέσθαι τὴν τῶν προφητῶν ἀκριβῆς διαδοχὴν.

(3) Après avoir nommé Antigonos de Socco seul, le document dit que Josè et Josè « reçurent d'eux ». Sur ce pluriel inattendu cf. R. T. HERFORD, *Pirke Aboth* (1925), p. 26.

(4) Je voudrais seulement relever un parallèle (qui a frappé aussi indépendamment M. Boaz Cohen, lequel, lui, est un Talmudiste). Étant arrivé dans sa « succession » des légistes à Labéon et Capiton, Pomponius dit (*Dig.*, I, 2, 47) : *hi duo primum veluti diversas sectas fecerunt*. Ensuite, il nomme toujours deux scholarques. *Capitoni... Sabinus successit, Labeoni Nerva... huic successit Cassius... Nervae successit Proculus*, etc. On notera aussi qu'un auteur grec (qui reste pour nous anonyme) simplifia les « successions » des philosophes. D'après lui, une ligne menait de Thalès à Socrate et à ses successeurs, les Stoïciens inclus, tandis que l'autre série commençant avec Pythagore conduisait à Épicure. Cf. DIOG. LAERT., *Prooem.* 13-15; Ed. SCHWARTZ, *PW.*, V, 755; H. HOPE, *The Book of Diogenes Laertius* (1930), pp. 134-138.

(5) LUCIAN., *Menipp.* 6. Les Stoïciens, pour se rattacher à l'ancienne philosophie par l'intermédiaire de Socrate, établirent la chaîne : Zénon-Cratès-Diogène-Antisthène-Socrate, bien que Diogène ait pu difficilement être disciple d'Antisthène. Voir p. ex. tr. S. BROWN, *Onesicritus* (1949), p. 26. Du reste, de tels enchaînements sont des œuvres d'ingéniosité. Pythagore apprit de Phérécyde. Soit. Mais qui était le maître de celui-ci? Personne; Phérécyde était un autodidacte, qui avait acquis les livres secrets des Phéniciens (SUIDAS, s. v.).

On sait tous les doutes des critiques modernes à l'endroit de la chaîne des Pharisiens (1). Je dois laisser à de plus doctes le soin de juger cette dispute. Mais les parallèles cités renforcent, me semble-t-il, la cause de la tradition. Notons que la connaissance de la succession doctrinale fut de grande portée pratique. Cela éliminait la nécessité de garantir séparément chaque tradition. Que l'on songe à l'Islam, où, en l'absence d'une succession établie des témoins, chaque relation (*hadith*) concernant Mahomet doit être authentiquée par la série complète des transmetteurs (*isnad*). Dans les écoles rabbiniques une telle procédure n'était requise que dans des cas exceptionnels. Par exemple lorsque, dans un débat rituel, les plus grands rabbins ne connaissant pas la tradition, un écrivain public offrit la solution : il disait l'avoir « reçue » de R. Mesha, qui l'avait eue de son père, qui la tenait des « Paires », qui l'avaient reçue des prophètes comme une *halakha* donnée à Moïse au Sinaï (2). Que l'on compare, d'autre part, le cas de Hillel. Encore inconnu à Jérusalem, il avait discuté en vain toute une journée pour appuyer une certaine interprétation légale. Enfin, il déclara : « Je veux être puni, si ma décision ne m'a pas été communiquée par Shemaia et Abtalion. » Aussitôt son opinion fut acceptée (3). Le postulat était que Shemaia et Abtalion, ces chaînons authentiques dans la suite des scholarques, ne pouvaient émettre que l'opinion juste, c'est-à-dire traditionnelle, venant du Sinaï. C'est toujours le *ipse dixit* dont usaient les Pythagoriciens, quand ils citaient l'opinion de leur école (4).



Tout cela fut une innovation à Jérusalem, et serait une révolution ailleurs. Lois et traditions non écrites, *opinionones quas a maioribus accepimus de diis immortalibus*, étaient partout le fondement de la foi (5). Cette Loi Orale des sociétés païennes venait des temps les plus reculés. Les générations la perpétuaient en transmettant doctrine et préceptes de père en fils. Par conséquent, l'aristocratie de naissance

(1) Cf. BONSIRVEN, *op. l.*, I, p. 272 n. 2.

(2) M. Pea II, 6. Cf. W. BACHER, *Die Tradition und die Tradenten* (1914), p. 25; BONSIRVEN, II, 268. On trouve de pareilles chaînes de référence p. ex. dans Cic., *Cato*, 12, 39-41; 13, 41; *Lael.* 23, 88 et naturellement dans les dialogues « narratifs » de Platon, p. ex. « Parménide ».

(3) DERENBOURG, *op. l.*, pp. 177-179; W. BACHER, *op. l.*, pp. 1-52; L. FINKELSTEIN, *The Pharisees and the Men of the Great Synagogue* (1950), ch. II.

(4) Cic., *de nat. deor.*, I, 10. Cf. ISID. LÉVY, *La légende de Pythagore* (1927), p. 230 ss.

(5) Cic., *de nat. deor.*, III, 2, 5. Cf. p. ex. T. ASHKENAZI, *Tribus semi-nomades de Palestine du Nord* (1938), p. 92; S. GANDZ, *The Dawn of Literature*, dans *Osiris*, VII (1939), pp. 260-522; J. RAFT, *Der Ursprung des katholischen Traditionsprinzips* (1931), pp. 179-192; A. DENEFFE, *Der Traditionsbegriff* (1931), pp. 7-16.

en fut le dépositaire naturel et l'interprète légitime. En Égypte, en Babylonie, en Perse, sous les rois macédoniens et sous les Césars, la doctrine sacrée se transmettait par succession dans le clergé héréditaire, bien que la filiation y fût souvent fictive (1). Le langage des mystères, les livres occultes, acquiesçaient à ce postulat (2). Le néoplatonicien Proclus, contemporain des derniers *amoras*, apprit l'art de converser avec les dieux de la fille de Plutarchus, qui eut cette science de son père, l'hiérophante héréditaire du culte éleusien. En effet, jusqu'à la fin du paganisme, et de temps immémorial, la famille des Eumolpides fut le seul organe conservateur et interprète des lois non écrites d'Éléusis (3). Les plus audacieux n'osaient pas toucher à ces prérogatives augustes (4). La démocratie athénienne, la plus franchement égalitaire qu'ait connue le monde ancien, demandait l'avis des « bien-nés » (eupatrides) sur les us et coutumes « sacrés et ancestraux ». Encore au IV^e s. ap. J.-C., le peuple choisissait parmi eux l'exégète officiel des lois sacrées (5).

A Jérusalem la loi divine avait chargé expressément les prêtres d'assurer l'interprétation de la *Tora*. Caste héréditaire, ils maintenaient les traditions ancestrales et, partant, la loi orale (6). Longtemps avant Hillel et Shammaï, déjà vers 200 av. J.-C., telle consigne d'ablution rituelle, qu'on ne trouve pas dans la loi mosaïque, était en vigueur dans le temple de Jérusalem, « conformément à la coutume des pères » (7). S'instruisant par une tradition orale et sous la direction paternelle, la tribu de Lévi transmettait héréditairement sa science antique (8). Quand le terme *talmid* apparaît en hébreu, il désigne les fils des Lévites qui « sous la main de leurs pères » apprennent le chant dans la Maison du Seigneur (*I Chr.*, xxv, 8). Les enfants, dit Philon (9), recueillent de leurs parents l'héritage non écrit des coutumes ancestrales.

(1) Cf. DIOD. I, 73, 5; 81, 1; II, 29, 4 : à la différence de l'usage grec, *παρὰ μὲν γὰρ τοῖς Χαλδαίοις ἐκ γένους ἢ τοῦτων φιλοσοφία παραδίδεται, καὶ παῖς παρὰ πατρός διαδέχεται*. Cf. BIDEZ-CUMONT, *op. l.*, I, p. 171, n. 4; R. REITZENSTEIN, *Die hellenistischen Mysterienreligionen* (3^e éd. 1927), p. 40.

(2) Cf. ED. NORDEN, *Agnostos Theos* (1913), pp. 288-290; FESTUGIÈRE, *op. l.*, I, pp. 332-335.

(3) MARINUS, *Vita Procli*, 27, cité dans S. EITREM, *Symbol. Osloenses*, xxii (1942), p. 52; P. FOUCART, *Les Mystères d'Éléusis* (1914), p. 152.

(4) Cf. EURIP., *Bacch.* 201 : *πατέρους παραδοχάς, ἃς θ' ὁμήλικας Χρόνῳ κεκτήμεθ' οὐδεὶς αὐτὰ καταβαλεῖ λόγος*.

(5) J. H. OLIVER, *The Athenian Expounders of the Sacred and Ancestral Law* (1950), pp. 14, 28, 50.

(6) *Dt.*, xvii, 8-12. Cf. G. OSTBORN, *Tora in the Old Testament* (Thèse, Lund, 1945), pp. 89-112.

(7) *Jos.*, *Ant.* xii, 3, 4, § 145. Cf. *Syria*, XXV (1946-1948), p. 72.

(8) *Test. Lev.* 13.

(9) PHILO, *de spec. leg.*, iv, 28, § 150 : *ὁφείλουσι γὰρ παῖδες παρὰ γονέων... κληρονομεῖν ἕθνη πάτρια... ἀγρᾶτος αὐτῶν ἢ παραδόσις*. Cf. H. A. WOLFSON, *Philo*, I (1947), pp. 188-194.

les. Longtemps après la ruine du Temple, telle famille sacerdotale se refusait à divulguer sa science héréditaire (1).

Tout le monde adhérait à ce principe historique et aristocratique. Les observateurs grecs et les auteurs juifs de l'époque hellénistique, ensuite Philon et Josèphe, s'accordent pour admettre que les Aarônides s'occupent de la Loi et interprètent les commandements divins (2). Les sectaires de la « Nouvelle Alliance » promettaient par serment d'obéir à la Loi de Moïse, telle qu'elle était interprétée par « des fils de Sadoq, les prêtres qui gardent l'Alliance et recherchent la volonté de Dieu » (3). La légitimité elle-même de Sion dépendait de la lignée sacerdotale. Pour la prouver on citait « la succession des grands prêtres, dont chacun gouverna le sanctuaire ayant reçu la charge de son père (4) ».

Les Pharisiens imposèrent au peuple des règles qui n'étaient pas inscrites dans la Loi de Moïse, mais qui « étaient transmises par la succession des Pères ». Seulement pour les Pharisiens, pour « Ceux qui font bande à part », les « Pères », les *Aboth*, dont les maximes sont consignées dans le traité du même nom, n'étaient pas des ancêtres, mais des professeurs (5). Comme la philosophie des Grecs, la *Tora* des Pharisiens fut transmise de maîtres à disciples et non pas de père en fils.

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(1) *M. Yoma*, III, 11. On notera que pour tel Talmudiste tout prophète biblique est le fils d'un prophète; cf. L. GINZBERG, *The Legends of the Jews*, VI, p. 357.

(2) Cf. BONSIRVEN, *op. l.*, II, p. 131; HECAT., ap. DIOD. XL, 3; *Eccli.*, XLV, 17.

(3) A. DUPONT-SOMMER, *Les manuscrits de la Mer Morte* (1950), p. 65.

(4) *Jos., Ant.*, XIII, 3, 4, § 78.

(5) *Jos., Ant.*, XIII, 10, 6, § 297; XIII, 6, 2, § 408. J'emprunte à M. Isidore Lévy (*op. l.*, p. 235) cette périphrase du terme *perušim*.

10.

LETTER AND SPIRIT IN JEWISH AND ROMAN LAW

By BOAZ COHEN

"No idea" said John Lightfoot¹ (1602–1675) "is more familiar to us than the distinction between the spirit and the letter . . . Yet, so far as I am aware, it occurs in St. Paul for the first time. No doubt the idea was floating in the air before. But he fixed it, he made it current coin." Lightfoot is referring to the celebrated epigram: "for the letter killeth, but the spirit giveth life."²

In trying to divine the meaning of an ancient writer, the trouble is, to use the words of Whitehead³ "not with what the author does say, but with what he does not say. Also it is not with what he knows he has assumed, but with what he has unconsciously assumed. We do not doubt the author's honesty. It is his perspicacity which we are criticizing." It is Paul's unconscious assumptions⁴ which we wish to bring out into the open in this brief study.

Speech is, as has been aptly said, a complication in nature. The sense and essence of a statement charged with an atmosphere of suggestion, by a mind as volatile as Paul's, can only be rightly apprehended by reverting to the environment in which it was first uttered. Before we proceed to disclose the nature of the dialectic which determined Paul's famous aphorism, let us examine the pattern into which Paul had designed the contrast between Letter and Spirit.

In an epistle to the Roman community, he justified the abolition of the rite of circumcision by the argument that the Scriptural command was only intended to be taken allegorically. To quote his own words:⁵ "And shall not uncircumcision, which is by nature, (ἐκ φύσεως) if it fulfil the law, judge thee, who by the letter and circumcision dost transgress the law . . . And circumcision is of the heart,

¹ Quoted by A. Plummer in the *International Critical Commentary on 2 Corinthians*, p. 87, note *.

² 2 Corinthians 3:6. For Spinoza's interpretation of this passage, cf. *Tractatus Theologico-Politicus*, English translation, 2nd ed., London, 1868, ch. XII, p. 232; cf. also Isaacs, "Is Judaism Legalistic?" in *Menorah Journal*, VII, pp. 259–268.

³ *Science and the Modern World*. Pelican Mentor edition, p. 25.

⁴ Cf. his bold assertion, "We use great plainness of speech" (πολλὴ παρρησία χρώμεθα) 2 Corinthians 13:12.

⁵ Romans 2:5.

in the spirit, and not in the letter (*ἐν πνεύματι οὐ γράμματι*). Paul's view that one who deliberately neglected circumcision, but otherwise fulfils the law, may criticize one who is circumcized, but otherwise transgresses the law, may result from a misunderstanding of the rabbinic ruling⁶ that the ritual slaughter of an animal by an uncircumcized Jew is fit. According to one interpretation preserved in the Talmud,⁷ this statement refers to one who defiantly violates the rite of circumcision (*משומד לערלות*).⁸

Paul justified the abolition of circumcision by the argument, first, that it is against nature,⁹ and secondly, that Scripture itself by using the expression "and ye shall circumcise the foreskin of your heart"¹⁰ implies that this command is to be understood in a spiritual sense. Paul was anticipated in this view by the radical Alexandrian allegorists,¹¹ who interpreted away the literal sense of the law, and

⁶ T. Hul. I.1.

⁷ Hul. 4b. *אלא פשיטא משומד לערלות וקא כבר משומד לדבר אחד לא הוי משומד לכל התורה כולה*.

⁸ The term *משומד* is the censor's substitution for *מסור*, cf. Bacher, *Z. f. H. B.*, XII, 1908, pp. 39-40.

⁹ Thus Antiochus recommends Eleazar to eat swine's flesh on the ground that it is given to us by nature (4 Maccabees 5:7). That law can not be contrary to nature is implied in Aristotle's assertion that general laws are those based on nature (*κοινὸν δὲ τὸν κατὰ φύσιν*) *Rhetoric*, I.13, (1373b). Similarly the *Auctor ad Herennium* II.10.14 and Quintilian VII.1.49 observe that "*Quod scriptum est*" can not be contrary to nature. Spartianus in *De Vita Hadriani* XIV.2 speaks of circumcision as *mutilare genitalia*. (Cf. S. Solazzi, "Fra Norme Romane Antisemite" in *Bullettino Dell' Istituto di Diritto Romano* 44 (1937), pp. 396-406, and Zdzisław Zmigryder-Konopka, "Les Romains et la circoncision des Juifs," in *Festschrift Thaddaeus Zieliński*, Lemberg, 1931, pp. 334-350). The pagan view adopted by Paul that nature can not be improved upon was resisted by the rabbis. Thus, in opposition to Cicero's remark: *non modo in homine sed etiam in arbore quidquid supervacaneum sit aut usum non habet obstat quod molestum est uno digito plus habere* (*De Natura Deorum*, I.99), R. Judan argued that circumcision made men perfect just as a fig loses its blemish when the stem is removed (Gen. Rab. 46.1), or as R. Levi put it, just as a matron became perfect when she, at the order of the king, removed the nail of her small finger, which was a little too large (*loc. cit.* 46.4). While Paul held that *ἀκροβυστία* is, so to say, the natural state of man, yet he himself argues inconsistently that nature teaches us (*ἡ φύσις διδάσκει*) that a man's head ought to be uncovered but a woman's covered, 1 Cor. 11:14, cf. also Ginzberg, *Ginze Schechter*, I.3, note 18. Paul's argument from nature shows familiarity with similar arguments of the rhetoricians, see below, note 85.

¹⁰ Philo (*Spec. Leg.* I.6) anticipating the objections of the allegorists tries to explain away this figure of speech by asserting that it assimilates the circumcized member to the heart, cf. Heinemann, *Philons jüdische Bildung*, p. 178, note 3, and Goodenough, *Jurisprudence of the Jewish Courts in Egypt*, p. 31, note 2.

¹¹ Philo, *de Migratione*, I.16, 92, cf. Joel, *Blicke in die Religionsgeschichte*, I. 29, Heinemann, *loc. cit.*, pp. 177-178, and Wolfson, *Philo*, I.70, note 49.

explained circumcision symbolically. The view of this group had been combatted by Philo who declared that "we have no right to annul the law which had been given regarding circumcision, (ἀνέλωμεν τὸν ἐπὶ τῇ περιτομῇ τιθέντα νόμον) and we must take heed of the words literally, (οὕτω καὶ τῶν ῥητῶν ἐπιμελητέον) in order to understand those things of which the laws are the symbols."

Secondly, in a letter to an audience in Rome, he proclaims¹² that the new Christians, exempt from adhering to the law, are required to observe the new dispensation¹³ in spirit only, as the old dispensation was to have been observed in the letter. But now that we are set free from the law which is dead (νυνὶ δὲ κατηργήθη¹⁴ ἀπὸ τοῦ νόμου ἀποθανόντος) wherein we were held down, that we should serve in the newness of spirit (ἐν καινότητι πνεύματος) and not in the oldness of the letter¹⁵ (παλαιότητι γράμματος). In a missive to the people of Corinth,¹⁶ he sets forth the thesis that he was divinely appointed to be a minister of the New Testament "not of the letter, but of the spirit, for the letter killeth, but the spirit giveth life"¹⁷ (οὐ γράμματος, ἀλλὰ πνεύματος. τὸ γὰρ γράμμα ἀποκτείνει, τὸ δε πνεῦμα ζωοποιεῖ). As is well known, Paul made frequent allusions to Roman law in his writings.¹⁸ In this passage, Paul is playing with the legal notion that a testament¹⁹ (διαθήκη)²⁰ may be abrogated by

¹² Romans 7:6.

¹³ The term *διαθήκη καινή* is the Greek translation of *ברית החדשה*, Jer. 31:30. The terms of the Septuagint when they were employed by those who came after them underwent a change in meaning (cf. Deissmann, *Bible Studies*, p. 78).

¹⁴ The term *καταργέω* literally, idle or unemployed corresponds to the Hebrew *בטל*. In Ezra 4:21 and 6:21 *לבטל* = *καταργήσαι*, to stop work. This reminds one of the view of R. Simon ben Gamaliel *הסוּחַ מן הַבַּיִת* כִּינ שָׂאֵרִים מִן הַבַּיִת, When man dies, he is set free from the law. Using the rhetorical device *ex inversio verborum* (Cicero, *De Oratore*, 2.65.261), Paul spoke of man being set free when the law died. Likewise *ἐλευθέρα ἐστὶν ἀπὸ τοῦ νόμου* (Romans 7:3) is an inversion of R. Johanan's statement (Shab. 151b, *הַבַּיִת מִן הַבַּיִת* כִּינ שָׂאֵרִים מִן הַבַּיִת). Löwy missed the point of Paul's rhetorical flourish, cf. *M. G. W. J.*, 47 (1903), p. 542, note 3, and p. 544, note 2.

¹⁵ Newness of spirit is a metaphorical expression for New spirit, cf. Ezek. 11:19 and Ps. 51:12; oldness of the letter is an elliptical expression for letter of the old and superannuated law.

¹⁶ 2 Cor. 3:6.

¹⁷ Paul was influenced by Deut. 32:39 and I Sam. 2:17.

¹⁸ Cf. Deissman, *Light from the Ancient East*, 3rd ed., p. 318, note 1, and M. Roberti, *La Lettera di S. Paolo a Filemone e la condizione giuridica dello schiavo fuggitivo*, Milan, 1933, and Verdam, "St. Paul et un serf fugitif," in *Symbolae van Oven*, Leiden, 1946, pp. 211-230.

¹⁹ The Roman rule is found in D. 28.3.1 and *Sententia Pauli*, 23.2.

²⁰ The same is true in Jewish law, *דיאחיקי סבטל דיאחיקי*, B. B. 152b. For the

a subsequent testament, and that a will is to be interpreted according to the spirit and not according to the letter. It is noteworthy that in the celebrated *Causa Curiana*, in 93 B. C. E., it was the jurist Quintus Scaevola, who defended the letter of the will²¹ and the orator L. Crassus who insisted that it should be interpreted according to the spirit.²²

Similarly, the Hebrew Scriptures or at least the ritual part was abrogated in the eyes of Paul, and the New Testament²³ was to be interpreted according to the spirit. This doctrine of Paul was known to the rabbis who combatted it in a very subtle manner. In an imaginary colloquy²⁴ between the Torah and the Deity, related by R. Simon ben Yoḥai, the Torah complains to God: King Solomon has challenged my plain meaning and fastened upon me the stigma of a forgery.²⁵ You have written in your Law, any Testament (דִּיאָחִיקִי) which is partly annulled, is entirely void.²⁶ Now Solomon has philosophized about the

Athenian Law, cf. Lipsius, *Das Attische Recht*, 1908, p. 571, who states that a complete revocation of a will by a subsequent will is doubtful, whereas in Greco-Egyptian testaments were revocable, but not merely by drawing up a new one. The revocation of the first had to be made either in the new testament or by a separate legal act, cf. Taubenschlag, *Law of Greco-Roman Egypt*, p. 153. In keeping with this figure of speech, Paul refers to Jesus as being appointed the heir of all things (Hebrews 1:2). For the difference between the *διαθήκη* and *Testamentum*, cf. Bonfante, "Le affinità giuridiche greco-romane Testamento greco," *Scritti*, I.337 ff., and Westrup, *Introduction to Early Roman Law*, II.137 ff.

²¹ Cicero, *De Oratore*, I.180, cf. Himmelschein, in *Symbolae Friburgenses in honorem Ottonis Lenel*, p. 387, note 1.

²² Cf. note 96.

²³ Paul seems to have accepted the ethical laws contained in the Pentateuch, cf. Romans 3:31 and 13:8-10. On the other hand he says: "The Gentiles which have not the law, do by nature the things contained in the law," Romans 2:14. This seems to imply the rejection of the Pentateuch as a source of moral law too, cf. Moore, *Judaism*, II.10, and Davies, *Paul and Rabbinic Judaism*, pp. 69 ff. The difficulty in arriving at an understanding of Paul's attitude toward the law is partly based on the fact that he uses *νόμος* in as many ways as Torah is used, cf. Dodd, *Bible and the Jews*, p. 35.

²⁴ Cf. Ex. Rab. VI.1 and parallels. We are here presenting a composite of the various recensions of this colloquy.

²⁵ Lev. Rab. 19.2, פלסתר = *πλαστός*. This term is quite common in the papyri, cf. Taubenschlag, *Law of Greco-Roman Egypt*, p. 237, note 13, and p. 351, note 204.

²⁶ Yer. Sanh. II, 6 (20c) כָּל דִּיאָחִיקִי שְׁבַטְלָה מִקְצָה בְּטֵלָה כּוֹלָה. This is based on the maxim, כָּל דִּיאָחִיקִי שְׁבַטְלָה מִקְצָה בְּטֵלָה כּוֹלָה, Git. 33a and Yer. B. K. VIII.4, cf. also Mak. I.7, where the rule is stated that if one of a hundred witnesses is declared invalid, the entire testimony is rejected. For the maxim כָּל דִּיאָחִיקִי שְׁבַטְלָה מִקְצָה בְּטֵלָה כּוֹלָה, cf. Boaz Cohen, "Peculium in Jewish and Roman Law," in the *Proceedings of the American Academy for Jewish Research*, vol. XX, 1951, p. 203, notes 360-361.

intent and purpose of your laws (החכים על נזירותיו של הקב"ה) and reasoned thus: Why did God prohibit a king from marrying many wives, lest they turn aside his heart,²⁷ I can marry many wives without incurring this risk. But in his old age he did succumb to their temptation.²⁸ To this the Deity replied: Solomon and hundreds like him will pass away, but not a letter of the law will be abrogated,²⁹ יוד ממך אינה בטילה לעולם. The polemical tendency of this colloquy is obvious from the fact that the Torah is compared to a testament דיאחיקי just as was done by Paul.

The twofold argument of Paul that the Torah is a Testament דיאחיקי that was annulled, and that a testament should be interpreted according to its spirit was answered as follows. First, there is the divine assurance that not a single letter of the law (אין אות בטילה מן) (החורה לעולם) will ever be abolished, let alone the entire law. Secondly, the interpretation of the law according to the spirit was attempted by Solomon, the wisest of all men, and he went astray, how much more dangerous it is for mortals with less wisdom. Another attempt to counter Paul's argument may be detected in the statement of R. Abin b. Kahana, who explained that the ברית חדשה (Jer. 31:10) refers to the new law תורה חדשה implied in Isa. 51:4. God said: A new law will proceed from me, that is, new interpretations of the law will proceed in the time to come אמר הקב"ה תורה חדשה מאתי תצא חרוש תורה מאתי תצא³⁰

Paul contradicted himself, when he claimed that the promise (διαθήκη) made to the seed of Abraham could not be annulled. Using the argument *a fortiori*,³¹ he argued as follows: "Brethren, I speak after the manner of men. Though it be but a man's testament yet, if it be confirmed none disannulleth, or addeth thereto" (Galatians 3:15). How much more is it true, he argues, of the promise given

²⁷ Ex. Rab. VI.1.

²⁸ Sanh. 21b.

²⁹ Lev. Rab. 19.2, cf. Yeb. 79a, חסדך שחוקר אות אחת מן החורה.

³⁰ Cf. Bacher, *Agada der Tannaiten*, II.123, note 4. For διαθήκη in the New Testament, cf. Deissmann, *Light from the Ancient East*, 3rd ed., pp. 337-338.

³¹ Lev. Rab. 13.3, with reference to the slaying of the Leviathan, cf. also Ginzberg, *Legends of the Jews*, vol. V, p. 43, note 27 and Scheftelowitz, "Das Fisch-Symbol im Judentum," *Archiv für Religionswissenschaft*, vol. XIV, pp. 6 ff. In Sifra, ed. Weiss, 111a, Jer. 31:30 is explained as follows: God made a new covenant, because Israel annulled the first covenant, cf. I. Abrahams, *Studies in Pharisaism and the Gospels*, vol. II, pp. 125-126.

³² For the argument *a fortiori* and *a maiori ad minus*, cf. Cicero, *Topica* 23, Quintilian, *Inst. Or.* V.10.87-89, Digest, 50.17.21 and 26 and Schiller, *Virginia Law Review*, 27 (1941), p. 740, note 31. Cf. also U. Klug, *Juristische Logik*, Berlin, 1951.

to Abraham,³² which was confirmed before God (*διαθήκην προκεκυρωμένην ὑπὸ τοῦ θεοῦ*).³³

The phrase contrasting the letter and the spirit of the law is original with Paul, but the terms of the antithesis were borrowed from Jewish sources. The conception underlying it may be traced to the early Greek writers antecedent to Aristotle, and was a commonplace^{33a} in the Greco-Roman world in the time of Paul.

The term spirit in connection with the law, not found in Greek and Roman sources, was unquestionably suggested to Paul by Isa. 28:5-6, where it is said that the Lord of Hosts will be a crown of glory and a diadem of beauty unto the remnant of his people and the spirit of the law (inspiring) him who sits in judgment (לְרוּחַ מִשְׁפָּט לְיוֹשֵׁב עַל הַמִּשְׁפָּט).³⁴

Similarly, the term letter with respect to law, Paul undoubtedly heard in Jewish circles. Commenting upon Deut. 12:2, "You should destroy the shrines of the nations whom you will dispossess," the rabbis say: Scripture should be interpreted according to the letter באותיותיה. נחמה תורה. Israel should not say, since we are required to destroy all the idols, then it behooves us to search every pit, well and cave, hence Scripture says: "Upon the high mountains and hills," only what is visible but not what is concealed על הגליון ולא על הסתורין.³⁵ Likewise, in the imaginary colloquy cited above, it is stated that not a single letter of the law will ever be abrogated³⁶ (אין אות בטילה מן התורה לעולם).

³² Cf. Yer. Ber. V.2 (9b) בדייתיקי נההי לאברהם.

³³ Galatians 3:15 and 17, cf. Deissmann, *Bible Studies*, p. 114. For classical Roman Law, cf. D. 28.4.1-4.

^{33a} En passant, it may be noted that the celebrated medieval commonplace "Learn as though you were to live forever, live as though you were to die tomorrow" which occurs in Pierre Dubois, *De Recuperatione Terre Sancte* (1308), is taken from Isidore of Seville (c. 560-636) who wrote "*Disce ut semper victurus; vive ut cras moriturus*." Isidore, the author of *Contra Judaeos*, in turn was inspired by the saying of R. Eliezer ben Hyrcanus, "Repent a day before your death" (Mishnah Ab. 11.10). When R. Eliezer was asked by his disciples, does a man know when he is going to die, he replied, therefore a man should repent every day lest he die tomorrow and consequently he will live all his life in a state of repentance (Shab. 153a and Ab. R. N., ed. Schechter, p. 62).

³⁴ So Rashi interprets the verse כִּשְׁפָט לִירֵדוֹ לִירֵדוֹ כִּשְׁפָט. Kimhi cites Isa. 11:2 as a parallel; the spirit of God will rest upon him, so that he will execute true justice, לַעֲשׂוֹת כִּשְׁפָט אֱמֶת. The Septuagint has a slightly different text, *καταλειφθήσονται ἐπὶ πνεύματι κρίσεως ἐπὶ κρίσιν*, cf. 1 Enoch 61:11 which speaks of the spirit of judgment and peace.

³⁵ Cf. Midrash Tannaim, p. 60. The parallel passage in Mekilta, ed. Friedmann, f. 94b, is corrupt and was corrected according to the Midrash Tannaim by Horowitz in his edition of the Mekilta, pp. 310-11.

³⁶ Cf. above note 29. See also Men. 29b and Matthew 5:17. Note that Philo

The letter of the law is used in several senses by the rabbis. First, it signifies that the law is to be understood literally, in its plain grammatical sense. Secondly, it means that a mere change of a letter in the text may alter the entire law. R. Meir, who was famed as a scribe as well as a scholar, was cautioned: If you omit or add one letter in copying the scroll of the law, you may destroy the whole world ('Er. 13a). Thirdly, it includes the interpretation of the redundancy of a single letter of the law. R. Akibah said to R. Ishmael: Brother,^{36a} I derive the rule from the pleonastic use of the letter Vav. To which R. Ishmael rejoined: Just because you find the letter Vav superfluous, shall we execute the adulterous daughter of the priest by burning *לשריפה* *כפני שאתה דורש בת ובח נוציא* (Sanh. 51b).

In the theory of the rabbis,³⁷ redundancy in Scripture was not accidental but deliberate, and is a form of emphasis, in the sense in which Quintilian defines the term. "*ἔμφασις* succeeds in revealing a deeper meaning than is actually expressed by the words. There are two kinds of emphasis: the one means more than it says, the other often means something which it does not say."³⁸

Paul therefore in this use of the terms letter and spirit of the Law drew upon contemporary Jewish tradition, but he invested them with significance derived from their equivalents *ῥητὸς καὶ διάνοια*.³⁹

speaks of the first commandment of the second table of the Decalogue as *πρῶτον γράμμα* (*De Spec.* III.8) and again he speaks of the *γράμμα θεῖον* (*Mig. Abr.* 85). The phrase *κατὰ γράμματα* according to the written laws or statute law is used by Plato and Aristotle in contrast to the unwritten law, or to custom *οἱ κατὰ τὰ ἔθνη*, cf. Liddell and Scott, I.358 and Hirzel, *Agraphos Nomos*, p. 16, note 5.

^{36a} For the use of the term *ἀδελφός*, cf. Deissmann, *Bible Studies*, pp. 87-88.

³⁷ For pleonasm in Scripture, cf. König, *Stilistik, Rhetorik, Poetik in Bezug auf die Biblische Literatur*, p. 173 ff. Useless pleonasm was criticized by Cicero, cf. Quintilian, *Inst. Or.*, 8.3, 53-54.

³⁸ Cf. *Inst. Or.* 8.3.83. Confucius remarked that Language should be made such as fully to convey one's meaning but no more. Cf. also Volkmann, *Die Rhetorik der Griechen und Römer*, Leipzig, 2nd ed., 1885, pp. 445-446. For an example of a text which means something which it does not say, cf. the hermeneutical principle, ... *הנהו ענין ל* ... *אם אינו ענין ל*, B. M. 88b, and Bacher, *Exegetische Terminologie*, II, 150.

³⁹ Pohlenz, *Die Stoa*, II.140. Neither is the term Spirit of the Law indigenous in Pehlevi Law. Bulsara in his English translation of the Sassanian code, *Matikan e Hazar Dastan*, Bombay 1937, pp. 90-91 translates paragraph 20 as follows: There was one who said that the charge must be drawn in accordance with the spirit of the law. Prof. Bernard Geiger informs me that "Both the transliteration as well as the translation of this paragraph are partly incorrect. The correct translation is: There was one who said thus: by lawfulness (*pat datakih*) he is condemned. In other words he is considered guilty in accordance with the law. The term Spirit does not appear in the original Pehlevi nor is it implied in the context." It seems

in Greek rhetoric. Paul who was as much concerned with gaining adherents among the Jews as among Gentiles,⁴⁰ coined the antithesis between *γράμμα* and *πνεῦμα* instead of availing himself of the commonplaces of the rhetoric of his time.

The antithesis⁴¹ between letter and spirit may be traced back to Protagoras (481–411 B. C. E.), who contrasted *διάνοια* with *ὄνομα* as Diogenes Laertius (IX.52) tells us *καὶ τὴν διάνοιαν ἀφείλς πρὸς τοῦνομα διελέχθη*. In his argumentation, he by-passed the intention in favor of the literal meaning. Lysias too, argues before the judges that they should be concerned not with mere words but with the meaning *οὐ περὶ τῶν ὀνομάτων διαφέρεισθαι ἀλλὰ τῆς τοῦτων διανοίας*.⁴²

Aristotle, in his reflections upon the nature of law and its relation to justice, was attracted to the theory which contrasted the letter with the spirit of the Law *λόγος* and *διάνοια*.⁴³ According to him, considerations of equity should enter into the interpretation of the law, when it is defective because of its generality, or if it is a difficult case,^{43a} where the law is clear, but its application would result in injustice. This can be done by interpreting the law according to its spirit and not its letter.

With regard to the first instance, Aristotle⁴⁴ says: The law takes into its purview the majority of cases (*τὸ ὡς ἐπὶ τὸ πλεόν λαμβάνει ὁ νόμος*).⁴⁵ When therefore a case arrives which is an exception to

to us that the term *pat datakih* corresponds to the Biblical term כד Esth. 1.15. Noteworthy is the comment of R. Isaac in Midrash Esther *ad loc.* What shall be done according to the law to the sow that acted towards the holy people unlawfully, without mercy. לחיורתה כד ולאומה קדושה שלא אלא באכזריות. R. Isaac takes כד to mean strict Law.

⁴⁰ Cf. Romans 1:15–16. I am ready to preach the Gospel to you that are at Rome also . . . to the Jew first, and also to the Greek.

⁴¹ Protagoras is said to be the inventor of the antithesis (*Diogenes Laertius* XI.51) which played such an important role in Greek rhetoric, cf. Norden, *Die Antike Kunstprosa*, I, 16 ff. and 20 ff. Paul was influenced by the Greek antithesis of the rhetoricians rather than by the lapidary style of Heraclitus, cf. note 163.

⁴² *Against Theomnestus*, I.7, cf. Navarre, *Essai sur la rhétorique grecque avant Aristote*, 1900, p. 62.

⁴³ This contrast of *λόγος* and *διάνοια* is also found in Philo, *De Abrahamo*, 22 (ed. Cohn, IV.25), *οὐκ ἐκτῶν λεγομένων μᾶλλον ἢ τῆς διανοίας εἰδότες*. For Paul's literary contacts with Philo, cf. Jowett, "St. Paul and Philo," in his *Epistles of St. Paul*.

^{43a} Cf. Ex. 18:26. The hard causes they brought unto Moses. אה הדבר הקשה יביאון אל משה, *Quidquid autem gravius erat referebant ad eum*, or as the Greek translation has it *ῥῆμα ὑπέρογκον*.

⁴⁴ *Nicomachean Ethics* V.10 (1137b).

⁴⁵ Pomponius (D. I.3.3) says, *Iura constitui oportet ut dixit Theophrastus* in his

the rule (συμβῆ δ' ἐπὶ τοῦτο παρὰ τὸ καθόλου) it is right to rectify the defect by deciding, as the lawgiver himself would decide, if he were present. Hence it follows logically that it is equitable to look not to the letter of the law, but to the intention of the legislator καὶ μὴ πρὸς τὸν λόγον ἀλλὰ πρὸς τὴν διάνοιαν τοῦ νομοθέτου.⁴⁶ Secondly, with regard to the hard case, Aristotle⁴⁷ says: If the written law is counter to our case we must have recourse to the general law and equity, which are more in harmony with justice, and we must argue, that to decide according to the best of one's judgment⁴⁸ does not mean to abide entirely by the written law.⁴⁹ Equity is justice that goes beyond the written law ἔστι δὲ ἐπιεικές⁵⁰ τὸ παρὰ τὸν γεγραμμένον νόμον δίκαιον.

The antithesis between letter and spirit, which Aristotle has based on a philosophical understanding of the law, influenced all subsequent thinking on the subject. It is important to recall that the ancient Greeks were reluctant to alter their laws. This was partly due to their belief in its divine ancestry.⁵¹ In any event, the possibility of

quae ἐπὶ τὸ πλεῖστον accedunt non quae ἐκ παραλόγου, cf. similar statements by Celsus and Paulus in D. I.3, 4-6. Cicero says no one can include every case in one statement (*De Inventione* II.152), cf. 'Er. 63b, מילחא דלא שכיחא לא נורי ביה רבנן, cf. *Er. 63b*.

⁴⁶ Rhetoric, I.13 (1374b).

⁴⁷ Rhetoric, I.15 (1375a).

⁴⁸ Cf. Cicero's observation, "He did not think of you as mere reciters of documents in judicial proceedings but as interpreters of his wishes, *neque enim vos scripti sui recitatores sed voluntatis interpretes fore putavit. De Inventione*, II.139. The *recitatores*, mentioned by Cicero in this passage as well as that in *pro Cluentio* 51.141, remind one of the "Tannaim," the professional class of scholars who committed to memory the traditional law (cf. Boaz Cohen, *Mishnah and Tosefta*, pp. 30-31). The statement in Sotah 22a, תני תנא ולא ידע מאי אמר, that the "Tanna" recites laws without being able to interpret them, does indeed call to mind a passage in *Auctor ad Herrenium*, 2.10.4. "*Locus communis contra eum, qui scriptum recitet et scriptoris voluntatem non interpretetur*," cf. also Lieberman, *Hellenism in Jewish Palestine*, p. 88.

⁴⁹ Rhetoric, I.13 (1374a).

⁵⁰ Plato says that equity is contrary to strict justice παρὰ δίκην τὴν ὀρθήν, *Laws*, 757D. Radin was of the view that ἐπιεικεία corresponded to *clementia*, cf. *Mnemosyna Pappulia*, Athens, 1934, pp. 213-220. Seneca notes that "Mercy has freedom in decision, it sentences not by the letter of the law, but in accordance with what is fair and good. *Clementia liberum arbitrium habet, non sub formula, sed ex aequo et bono iudicat*" (*De Clementia* II.7.3). In Yer. B. K. VIII.5 (6c) strict justice is similarly contrasted with mercy, חסן במידה הדין ברם הכא במידה דרחמים. It is noteworthy that the Septuagint translates כלה in Ps. 85 (86):5 by ἐπιεικεία, cf. also Hirzel, *Agaphos Nomos*, Leipzig, 1900, pp. 7 ff., and 60 ff., Cairns, *Legal Philosophy from Plato to Hegel*, p. 107, note 78, and M. Salomon, *Der Begriff der Gerechtigkeit bei Aristoteles*, Leiden, 1937, p. 139.

⁵¹ Cf. Bonner and Smith, *The Administration of Justice from Homer to Aristotle*, 1930, I, p. 75, cf. also Xenophon, *Memorabilia*, IV.4.14, and Sextus Empiricus,

interpreting the law according to its intention (*διάνοια*) did help much.

Hermagoras, a rhetorician (about 150 B. C. E.), following in the footsteps of Aristotle, defines the contrast between the letter and the spirit, as the letter and the exception, or as Quintilian⁵² puts it, *Legales autem quaestiones has fecit, scripti et voluntatis (quam ipse vocat κατὰ ῥητὸν καὶ ὑπεξαίρεσιν) id est dictum et exceptionem*.^{52a} Hermogenes⁵³ (2nd century B. C. E.) seems to be the first author to use the antithesis *ῥητὸς καὶ διάνοια* to designate letter and spirit.

Aristeas,⁵⁴ too, is undoubtedly aware of the contrast between *ῥητὸς* and *διάνοια* as is implicit in his use of the term *διάνοια* when he writes to Philocrates concerning the symbolical reason why calves, rams and he-goats are brought as sacrifices. He remarks: I have been induced by your love of learning to clarify the sanctity and the natural meaning of the law (*φυσικὴν διάνοιαν τοῦ νόμου*). Philo,⁵⁵ too, utilizes the contrast between *ῥητὸς καὶ διάνοια* in the

Adversus Mathematicos, II.34, and Westrup, *Introduction to Early Roman Law*, III, 69.

⁵² Inst. Or., III.6, 61.

^{52a} In the Digest, *ius strictum* is opposed to *exceptio*, cf. D. 13.5.30, *etsi stricto iure propria actione pecuniae constitutae manet obligatus, etiamsi Titio solverit, tamen per exceptionem adiuvatur*, and D. 13.5.17, *exceptione aut iusta interpretatione*, cf. the English legal maxim: The exception proves the rule. Not entirely irrelevant are Gilbert Murray's remarks: "As Dr. Freud has pointed out, our attitude towards the law, civil and moral, is always 'ambivalent'. We love it and uphold it as maintaining the wish or conscience of Society against wicked law-breakers who may do wrong to us and our community; but we feel, in our own *exceptional* case, a conscious or subconscious desire sometimes to escape from it." *Stoic, Christian and Humanist*, London, 1940, p. 161.

⁵³ Cf. his *περὶ τῶν στάσεων*, 2nd ed., H. Rabe, Leipzig, 1913, p. 82, cf. also Voigt, *Jus Naturale*, IV, p. 339, note 21, and p. 351, and Volkmann, *Die Rhetorik*, 1885, pp. 88-89.

⁵⁴ Letter of Aristeas 171. There is a veiled allusion here to Aristotle, *Nicomachean Ethics*, V.7.1-2 (1134b), who in his discussion of justice opposes the natural (*φυσικός*) to the conventional (*νομικός*). A rule of justice is natural (*φυσικός*) that has the same validity everywhere. A rule is conventional (*νομικός*) that in the first instance (*ἐξ ἀρχῆς*) may be settled in one way or the other indifferently, although once it is settled, it is not indifferent (*ὅταν δὲ θῶνται*), e. g. a sacrifice shall consist of a goat and not of two sheep. Here Aristeas plays upon Aristotle's antithesis of *φυσικός* and *νομικός* and gives a new twist and symbolical meaning to *διάνοια*, cf. F. Heinemann, *Nomos und Physis. Herkunft und Bedeutung einer Antithese im Griechischen Denken des 5ten Jahrhunderts*, Basle, 1945. The Malbim uses Aristotelian terms in his commentary upon Ps. 19:10, אִם כִּדְקוֹ יִחְרִי, סִפְּפִי ה' שִׁפְּפִי ה' (הצדק הטבעי) and natural justice (הצדק המוסרי).

⁵⁵ *De Praemiis et Poenis*, I.11, ed. Cohn, V.349. Cf. also Philo, *De Abrahamo*, XXXVIII, 217. κατὰ τοὺς ἀπὸ τῶν ῥητῶν ἐπὶ τὰ νοητὰ μετιόντας.

following passage: For each of these three individuals there is concealed in the narrative about them a literal as well as a symbolical meaning ἔχει δ' ἕκαστος τῶν τριῶν τὴν ῥητὴν διήγησιν⁵⁶ σύμβολον διανοίας ἀφανούς.

Sextus Empiricus (who flourished during the second century C. E.) brings this contrast to the forefront in his criticism that rhetoricians are against the laws. For at one time they advise us to attend to the words of the lawgiver, at another time they advise to follow neither the ordinance nor the words but the intention (μήτε τῷ ῥητῷ μήτε ταῖς φωναῖς ἀλλὰ τῇ διανοίᾳ κατακολουθεῖν Hence also, the Byzantine orator, when asked "How goes the Byzantine's law?" replied "As I choose."⁵⁷ In Paul's time ῥητὸς καὶ διάνοια was the usual Greek form of the antithesis between letter and spirit.

Greek rhetoric was introduced in Rome about the second century B. C. E. and its philosophical principles exercised some influence upon the lawyers in the time of Cicero. The task of the rhetoricians was to furnish the advocates with arguments *ultramque partem disputare*.⁵⁸ In connection with the interpretation of laws, written documents, and oral agreements, five types of disputes were usually distinguished: namely those revolving on the question of ambiguity, letter and spirit, conflict of laws, syllogistic reasoning and definition.⁵⁹ We propose to summarize in the briefest possible manner the analysis of the question of letter and spirit as found in the rhetoricians. The Latin equivalents for ῥητὸς καὶ διάνοια are *scriptum* and *sententia* or *voluntas* as Quintilian⁶⁰ informs us. In case of litigation, the question

⁵⁶ For διήγησις = *narratio*, cf. the literature cited in Hadas, *Aristeas*, New York, 1951, p. 56. Philo contrasts ῥητὴ διήγησις, literal account, with ὑπόνοια, real meaning or true intent, cf. *De Josepho*, VI.28, and *De Abrahamo*, XXIV, 119.

⁵⁷ *Adversus Mathematicos*, II. 36, and 38.

⁵⁸ Cf. Himmelschein, *Symbolae Friburgenses in honorem Ottonis Lenel*, p. 375. The person who provided the pleader with arguments was termed *pragmaticus* (*Inst. Or.*, XII.3.4) which was the Greek term for *jurisconsults*, *quod Graeci πραγματικούς vocant iuris interpretes* (*Inst. Or.* III.6.59). Cf. Wenger, *Institutes of the Roman Law of Procedure*, 1950, p. 88, note 26, and Friedländer, *Roman Life and Manners*, London, s. a. 7th ed., I.163 and IV.387. For scholars and jurists who were especially equipped to argue both sides of a question, cf. 'Er. 13b and Sanh. 17a.

⁵⁹ Cicero, *De Inv.* II.116, *Topica*, I.96, and *Inst. Or.*, VII.5.6. The *Auctor ad Herrenium*, I.11.19 counts six, the additional one being *translatio*; for the latter, cf. Schwalbach, "Zur Geschichte der Lehre von den Prozesseinreden," in *Zeitschrift der Savigny-Stiftung*, vol. 2, 209 ff., and Wlassak, *Der Ursprung der römischen Einrede*, p. 11 ff.

⁶⁰ *Inst. Or.*, III.6.46. Quintilian elsewhere uses *verba* and *sententia*, cf. also Voigt, *Das jus naturale, aequum et bonum und jus gentium der Römer*, IV, 339, note 21, and G. Segrè, *Atti del Congresso Internazionale di Diritto Romano*, Roma. I. Pavia, 1934, p. 225, note 1.

that first arises is: does the dispute concern the facts or the law.⁶¹

The main problem that occupied the rhetoricians were: first, how did a discrepancy arise between the letter and spirit of the law, and secondly, which should prevail.⁶² As for the first question: First in importance is the element of ambiguity.^{62a} While calculated ambiguity serves a purpose in puns, politics and poetry, it is a perplexing problem in legal and logical discourse. Some writers were of the opinion that ambiguity was always involved in a dispute between letter and spirit,⁶³ for example, a thief should refund four times the amount of the theft.⁶⁴ The question may arise even when the law is clear⁶⁵ (*ex manifesto*) e. g., children shall support their parents under penalty of imprisonment.⁶⁶ Jerome translated Deut. 17:8 *כי יפלא ממך דבר למשפט*, *Si difficile et ambiguum apud te iudicium*. There is no Hebrew word corresponding to *ambiguum*⁶⁷ in the text.

Secondly, contradictory laws which the Greeks call *ἀντινομία* give rise to the question,⁶⁸ when one party may insist on the letter,

⁶¹ *Inst. Or.*, III.6.55, VII.1.13 and cf. *Digest*, 50.17.24, cf. B. M. 70a, נופא דעובדא, הריכי הוה, סבר הכי הוה עובדא, Suk. 51a, and Suk. 51a, הריכי הוה.

⁶² Cicero, *Topica*, 96, *Inv.* I.17, II.122.

^{62a} Quintilian remarks: single words give rise to error, when the same noun applies to a number of things or persons (the Greeks call this homonymy): for example, it is uncertain with regard to the word *gallus*, whether it means a cock or a Gaul, (*Inst. Or.*, VII.9.2), cf. R. Yannai's statement: I do not know whether כבול means a slave's chain or a woolen cap, Shab. 57b.

⁶³ *Inst. Or.*, VII.10.2.

⁶⁴ *Inst. Or.*, VII.6.2.

⁶⁵ Biondi, *Istituzioni di Diritto Romano*, Milan, 1946, p. 60.

⁶⁶ *Inst. Or.*, VII.6.4–5. For the Jewish Law, cf. Yer. Peah I.15d, for the Roman Law, D. 25.3.5.1.

⁶⁷ Jerome's translation call to mind C. I.17.2.21 which reads, "If anything should appear ambiguous . . . it should be referred by the judge to the emperor for decision, for he is the only one who may legislate or interpret the laws." An obscure point of law is not the same as an ambiguous point of law (*Inst. Or.*, VII.10.2). Sometimes the term *obscuritas* corresponds in meaning to ambiguity, cf. the statement of Paulus in D. 18.1.21. The notion of ambiguity was expressed by the rabbis by different circumlocutions הדבר שקול (Sotah V.5) which Rashi ('Ar. 4b) explains, שוה דכל, דבר שקול, הדבר שוה לשמע כפרא זה, דבר שקול, Sifra, ed. Weiss 14b, cf. ps-Rashi to Gen. Rab. 18.5. הדבר שקול שהחוב נשמע לשני ענינים, For other passages, cf. also Bacher, *Die exegetische Terminologie*, I.196. Other circumlocutions are: שתי לשונות שמעט, Git. 32b, דלא כבימי קרא, B. M. 32a, and דמסמע הכי ומסמע הכי, Ket. 69a, cf. also Samuel ben Meir to B. B. 96a, s. v. מאי קאמר, where he says, לפי שיש לפרשה בשני ענינים, Ambiguity is permitted in a special case of mourning, cf. Beer Heteb, אפי' דמסמע להרי אפי', Yoreh Deah, 402, n. 10. With regard to *Talak*, J. Schacht writes, the principle is unanimously affirmed, that in ambiguous expressions, the opinion of the speaker be considered ambiguous or not, cf. *Encyclopedia of Islam*, IV.638.

⁶⁸ *Inst. Or.*, III.6.46 and VII.1.16.

the other on the intention⁶⁹ or both parties may attack the letter and raise the question of intention.⁷⁰ Thirdly, the *ratio cinatio*⁷¹ provoked the question of letter versus spirit, that is where a gap in the law must be filled by a process of deduction which corresponds to the *casus omisus* in English law.

Fourthly, there is the matter of definition. Definition is the simplest way to exhibit the meaning of a word, but it must stop somewhere, and means nothing at all unless it does stop. Hence definitions must be of a general nature⁷² and therefore constitute in themselves a form of ambiguity since they may bring out two meanings in the same term.⁷³ Consequently, the question arises, (1) when there is a doubt as to what a term includes, e. g. is a man, caught in a brothel with another man's wife, an adulterer?⁷⁴ (2) what term is to be applied, for instance, is the stealing of private property from the temple theft or sacrilege?⁷⁵ (3) What about the motive? Is he guilty of sacrilege who tore down arms dedicated to the temple to enable him to drive the enemy from the city?⁷⁶

As for the problem, which should prevail, when there is a discrepancy between letter and spirit, the following should be noted. The abstract question whether to stand by the letter or the spirit could be argued indefinitely without reaching any conclusion.⁷⁷ The question very often was purely academic, being invented in the schools for a special purpose.⁷⁸ However, with respect to concrete cases, it may be said, that sometimes one follows the letter, and some-

⁶⁹ *Inst. Or.*, VII.10.1.

⁷⁰ *Inst. Or.*, VII.7.1.

⁷¹ *Inst. Or.*, VII.8.1, cf. J. Stroux, *Römische Rechtswissenschaft und Rhetorik*, 1949, pp. 39 ff., and Jolowicz, *Law Quarterly Review*, 48 (1932), p. 181, and *Gnomon*, 5 (1929), 65–87. In the Talmud the syllogistic reasoning has its counterpart in the oft recurring statement *לאו בפירוש איתמר אלא סכללא איתמר*, Ber. 9a, cf. also Austin's observation that interpretation in the proper acceptance of the term should be distinguished from the induction of a rule from a judicial decision. *Lectures on Jurisprudence*, London, 1873, p. 1023.

⁷² *Inst. Or.*, II.5.10. For *Definitio*, cf. Pringsheim, in *Festschrift für Lenel*, pp. 251 ff., Schulz, *Principles of Roman Law*, p. 43, note 3, and Senn, *Les Origines de Jurisprudence*, 1926, p. 26, note 2.

⁷³ *Inst. Or.*, VII.10.1, and William Empson, *Seven Types of Ambiguity*, London, 1930. From the very beginning, we are told, existentialism defined itself as a philosophy of ambiguity, cf. Simon de Beauvoir, *The Ethics of Ambiguity*, New York, 1948, p. 9.

⁷⁴ *Inst. Or.*, VII.3.6.

⁷⁵ *Loc. cit.*, IV.3, VI.3.21–22, cf. B. M. 57b the statement of R. Papa, באבוי בנין המסורות לנובר.

⁷⁶ *Loc. cit.*, V.10.36.

⁷⁷ *Loc. cit.*, VII.1.49.

⁷⁸ *Loc. cit.*, VII.6.1.

times the spirit of the law.⁷⁹ The rhetorical writers furnished the advocates with arguments on both sides of the case, so that the latter could choose those that would best serve the interests of their clients.⁸⁰

In the following, we merely note some of the principal arguments in favor of following the spirit rather than the letter of the law. First, when the letter of the law is contrary to equity and the public welfare.⁸¹ There are some things which are not laudable (*laudibulum*) in themselves, but are permitted by the law.⁸² Witness the passage in the Twelve Tables authorizing creditors to divide up a debtor's body among themselves,⁸³ a law which is repudiated by public custom (*mos publicus*). There are certain things which are equitable but are prohibited by law, witness the restrictions placed on testamentary dispositions.⁸⁴

Secondly, when it is against nature.⁸⁵ Thirdly when it is against custom.⁸⁶ Fourthly when a particular case should be regarded as an exception.⁸⁷ The *ius singulare* (D. I.3.16) is a form of an exception and may not serve as a precedent (D. 50.17.141).⁸⁸

⁷⁹ *Loc. cit.*, III.6.87.

⁸⁰ Cicero, *In v.*, II.122. Philo speaks of hired advocates who have no thought nor care for justice, *Moses*, I.25 (Loeb Classics ed., p. 289). For the unscrupulousness of orators, cf. Gellius, I, 6, 4, and Schulz, *Classical Roman Law*, p. 278.

⁸¹ Cicero, *In v.*, I.68, II.143 *ad Herrenium*, II.10.14, *Inst. Or.*, III.6.43.XII.3.6.

⁸² Cf. הררי זה טעובה in M. Ter. IV.6 and M. K. 22a and Yer. M. K. 8. The same idea is expressed by Paulus, *Non omne quod licet honestum est* (D. 50.17.144). cf. Kaser, ZSS, 60, p. 118, notes 1-2 and p. 138, note 1. A striking parallel is found in the view of Nahmanides: One can be vile without violating any law והנה יהיה נבל והנה יהיה הבורה ברובה ההורה (Commentary to Lev. 19:2). Note also the ancient proverb: *Honesta lex est temporis necessitas*, cited by Voigt, *Die XII Tafeln*, Leipzig, 1883, p. 16, note 1. A variation on this theme is given by Paul who asserted that not everything that is lawful is expedient *πάντα μοι ἐξέστω, ἀλλ' οὐ πάντα συμφέρει* (1 Cor. 6:12). In this connection, it may be well to recall Florentinus' definition of Liberty, "*Libertas est naturalis facultas eius quod cuique facere libet, nisi si quid vi aut iure prohibetur*," D. I.5.4 pr., cf. Schulz, *Principles of Roman Law*, p. 140, note 2, Wirszubski, *Libertas as a Political Idea at Rome*, Cambridge 1950, p. 2, note 1, and Montesquieu, *Esprit des Lois*, XXVI.20.

⁸³ Muirhead, *Historical Introduction to the Private Law of Rome*, London, 1916, p. 142, note 14.

⁸⁴ *Inst. Or.*, III.6.84. For the conflict between law and morals, cf. Ames, *Harvard Law Review*, 22, p. 97.

⁸⁵ *Auctor ad Herrenium*, II.10.14, *Inst. Or.*, VII.1.49. Cicero says that the first principles of justice proceed from nature, *In v.* II.160, for this passage, cf. E. Costa, *Cicerone Giureconsulto*, I.20, note 6. Philo also taught that enacted ordinances are not inconsistent with nature, *De Abrahamo*, I.5, *ὅτι τὰ θεθεμμένα διατάγματα τῆς φύσεως οὐκ ἀπάδει*.

⁸⁶ *Auctor ad Herrenium*, II.10.14.

⁸⁷ Cicero, *In v.* II.130.131.140, *Inst. Or.*, VII.1.10.

⁸⁸ Cf. Biondi, *Istituzioni di Diritto Romano*, 1946, p. 59, note 22. For a direct

The Roman jurists were influenced to some extent by the rhetorical doctrine of *scriptum* and *voluntas* and their theory concerning ambiguity, as is evident from numerous passages in the Digest.⁸⁹ It is worthy of note that Ulpian employs the phrase *ῥῆτος καὶ διάνοια*⁹⁰ as if it were a well known expression that needed no further explanation. Unlike the orators who were interested in victory, and could speak on either side of the case, "*ex utraque causae parte dicatur*,"⁹¹ the jurists were interested in a just interpretation and decision. Hence, the jurist stigmatized as fraud the circumvention of the law by adhering to the letter of the law at the expense of its intention, *in fraudem vero, qui salvis verbis legis sententiam eius circumvenit*.⁹²

Ulpian observes that the expression "according to the laws, refers to the spirit as well as to the letter of the law, *ex legibus sic accipiendum est: tam ex legum sententia quam ex verbis*."⁹³ According to Celsus, the laws should be interpreted liberally in order that their spirit be preserved.⁹⁴ Hence with respect to agree-

parallel in Jewish law to the *ius singulare*, cf. the principle סוציא שם רע חידוש הוא Ket. 45a, and the statement דבר שהוא יוצא בחירונו אין לטידין סכנו Yer. Ter. VII.1.

⁸⁹ Many of these passages in the Digest are of Byzantine origin, cf. Himmelschein, *Symbolae Friburgenses in honorem Ottonis Lenel*, p. 394, note 1. For the passages on *Scriptum et voluntas* and *ambiguities*, cf. *loc. cit.*, pp. 398-417, and Alvaro D'Ors Perez-Peix, "La Actitud Legislativa del Emperador Justiniano," in *Orientalia Christiana Periodica*, Rome, 1947, XIII, nos. 1-2, pp. 125-132. The doctrine of ambiguity is fully expounded on the basis of the Digest in *Las Siete Partidas*, VII, 33.2-12. For the influence of rhetoric on Roman Law and Procedure, cf. also Wenger, *Institutes of the Roman Law of Procedure*, p. 140, note 18a and p. 195, note 16. For the Greco-Egyptian Law, cf. H. Schmidt, "Einfluss der Rhetorik auf die Gestaltung der richterlichen Entscheidung in den Papyri," in the *Journal of Juristic Papyrology*, IV, 1950, pp. 165-177.

⁹⁰ D. 1.3.30, *et quod distat, ῥῆτον ἀπὸ διανοίας, hoc distat fraus ab eo, quod contra fit*: cf. Steinwenter, *Studi Bonfante*, II, 433, note 80.

⁹¹ *Inst. Or.*, II.17.30, cf. Schulz, *Principles of Roman Law*, p. 130, note 3.

⁹² D. 1.3.29. "Attempts to evade the rules of law by keeping the letter while breaking the spirit were as common in Rome, as they have been in our courts," cf. Buckland, *Equity in Roman Law*, London, 1911, p. 112. An instance of "*in fraudem legis*" in Jewish Law would be הערפת ריביה, B. M. 62b, דאמי לאיערוכי, Git. 54b.

⁹³ D. 50.16.6.1. The statement of Paulus (D. 44.7.38) that we are not bound by the form of the letters (*Figura litterarum*) but by the meaning which they express, reminds one of R. Judah's statement פסוק כצורתו הרי זה בדאי (Kid. 49a).

⁹⁴ *Benignius leges interpretandae sunt quo voluntas earum conservetur*, D. 1.3.18, Gaius (D. 50.17.56) remarks: *Semper in dubiis benigniora praefrendenda sunt*. In 'Ab. Zarah 7a R. Joshua ben Korhah formulated the principle, בשל הורה הלך אחר, רבהמר בשל סופריה הלך אחר המקיל. The rabbis accepted the widely honored philosophy that doubts arising with respect to money claims should be resolved in favor of the claimants. הוא ספוקי ספקא ליה נבי כמנא לקולא נבי איסורא להוסרא, Ket. 73b and parallels. For *benignus*, cf. Heumann-Seckel, s. v., and Savigny, *System des heutigen*

ments⁹⁵ and the interpretation of wills,⁹⁶ the intention of the contracting parties or of the testator should be liberally construed.

With regard to ambiguity, the jurists expressed their views quite clearly. "Whenever a passage," says Julian, "has two meanings, we accept the one which is best adopted (*aprior*) to the case."⁹⁷ Celsus was of the opinion, that when the law was ambiguous, an interpretation that was in keeping with its intention should be put upon it.⁹⁸ Marcellus held that in case of ambiguity, we should adopt a liberal interpretation, which was no less just than safe.⁹⁹

An oblique reference to the *ratiocinatio*¹⁰⁰ of the rhetoricians may be detected in Julian's¹⁰¹ observation upon the specious syllogism. The kind of sophistry¹⁰² which the Greeks¹⁰³ called *σωπίτης*¹⁰⁴ consists

römischen Rechts, vol. III, p. 28, note a. According to Albertario, the term is Byzantine, cf. *Studi di Diritto Romano*, I, p. 58, note 2. Berger in his article, *In dubiis benigniora* maintains the classical origin of the phrase, cf. Seminar, IX. (1951), pp. 36-49. Cf. also P. Laborerie-Boulon, "Benignitas, Essai sur la pensée charitable aux temps classiques," *R. II. D.*, 1948, pp. 137-144.

⁹⁵ D. 50.16.219.

⁹⁶ D. 50.17.12. *In testamentis plenius voluntates testantium interpretamur*. For this passage, cf. Maschi, *Studi Sull' Interpretazione dei Legati*, Milan, 1938, p. 17, and Koschaker in *Conferenze Romanistiche*, Milan, 1940, p. 153, note 202.

⁹⁷ 50.17.67. For the view of Paulus, cf. D. 34.5.3.

⁹⁸ D. 1.3.19. Ambiguity must be explained by conjecture and mainly according to the intention of the person who wrote or uttered the words. *Inst. Or.*, III.6.43 and VII.9.15, cf. Git. 32b, with respect to ambiguity it says לישא דמהני ביה קאמר, cf. also C. TH. 1, 1, 6, 1, where it stated that the original text were altered in order to remove superfluous words and to change ambiguous expressions (*mutandi ambigua*).

⁹⁹ D. 50.17.192.1. If the point of law is doubtful, it must be examined in the light of equity. *Dubium aequilatis regula examinandum est*. *Inst. Or.*, XII.3.6, VII.9.15.

¹⁰⁰ Cf. Voigt, *Jus Naturale*, vol. IV, 1875, p. 364, note 60.

¹⁰¹ D. 50.17.65. This statement is wrongly ascribed to Ulpian in D. 50.16.177, cf. Lenel, *Palingenesia*, II, 1186, note 2.

¹⁰² *Ea est natura cavillationes, quam Graeci σωπίτης appellant*. For *cavillatio*, cf. the use of the term in Quintilian 7.4.37: in these we meet with legal quibbles as to what is the meaning of action contrary to the interest of the state. *Hinc moventur quidem illae iuris cavillationes quid sit rem publicam laedere*. For the relation between sophistry and rhetoric, cf. Gomperz, *Sophistik und Rhetorik*.

¹⁰³ For the question of interpolation, cf. Albertario, *Conferenze per il centenario delle Pandette*, pp. 329 ff., Lenel, *ZSS.*, 50 (1930), 15, and Scherillo, *Archivio Giuridico*, 109, (1933), p. 108.

¹⁰⁴ Cicero's remark, "They call this argument '*sorites*' because by adding a single grain at a time they make a heap" (*Academica* II.16.49) reminds one of the comparison of R. Tarfon's dialectics to a heap of nuts, cf. Ab. R. N., ed. Schechter, pp. 66-67, and Rashi's explanation in Git. 67a. Cf. also the phrase: he who heaps arguments against his opponent in litigation וזה שאמר עליו דבריה, Sifre, Deut. 16 (ed. Finkelstein, p. 27), cf. also Lieberman, העברית הלשון העברית (ed. Yalon), I.2, 1937, p. 47. According to Seneca's definition of *sorites* (*De Beneficiis* V.19.9)

in deducing from premises which are evidently true, by means of trifling changes, conclusions which are clearly false. The conflict between *scriptum* and *voluntas* ultimately became expressed in the antithesis between the *ius strictum* and *aequitas*.¹⁰⁵ One of the tasks of *aequitas* is to preclude too strict an interpretation of the law, which was introduced for the public welfare (*pro utilitate hominum*) lest it result in hardship.¹⁰⁶

In Biblical times, the laws pertaining to the rights and obligations of man in civil society were usually termed משפט.¹⁰⁷ The lawgiver required that the judges be impartial and incorruptible (Lev. 19:15, Deut. 1:17) and render honest decisions (Deut. 16:19). In the earliest period it may be assumed that the judgments followed the strict line of the law. "I shall make the law¹⁰⁸ (משפט) the line, and justice the plummet" (Isa. 28:17). As a Latin rhetorician¹⁰⁹ put it: it is useless to make laws if one can discuss their justice before a judge.

it is a chain argument in which the conclusion of one syllogism becomes the premise for the next *ad infinitum*. This is similar to the dialectical discussion of the Talmud on the statement אין לרבר סוף אמר לו אם כן אין in Yoma 13a and b.

¹⁰⁵ Cf. Voigt, *Jus Naturale*, I.42, Pringsheim, "Jus aequum und ius strictum," ZSS., 42, pp. 643-668, for *Bonum et Aequum*, cf. ZSS., 52, 78 ff., and Jhering, *Geist des römischen Rechts*, II, 441, cf. also Schulz, *Principles of Roman Law*, p. 210, note 2. Westrup, *Introduction to Early Roman Law*, III.21-22, Wenger, *Canon in den römischen Rechtsquellen*, 1942, pp. 18-24, Jonker, "Aequitas," in *Reallexikon für Antike und Christentum*, Leipzig, 1942. (For the latter, cf. Steinwenter, ZSS., 62, p. 459). For Ferrini's view that the development of Roman private law is a continuous and more perfect victory of *aequitas* over *ius strictum*, cf. Pernice, ZSS., 7, p. 156. According to some scholars the question of *aequitas* versus *ius strictum* was one of the principles at issue between the school of Proculus and Sabinus, cf. Kübler in *Pauly-Wissowa*, zweite Reihe, vol. I, 1914, p. 384. In a Palestinian marriage contract published by Berliner, *Kobets al Yad*, vol. IX, and reprinted by Gulak, *Otsar ha-Shetarot*, pp. 35-36, the parties agree to the terms in accordance with Jewish and Gentile law, and the laws of equity (ובניסוס מיושר ואקוליות). Here *aequalitas* = *aequitas*.

¹⁰⁶ Modestinus, D. I.3.25. Maimonides (Commentary to M. Peah 1.1) divides all the commandments into two parts (1) religious, (2) civil law and ethics. מצוה החלוקה בחוקות בני אדם קצתם עם קצתם כגון אזהרה על הגניבה.

¹⁰⁷ The term משפט designates also "due measure," cf. Isa. 28:26, Jer. 30:11, 46:28.

¹⁰⁸ The rabbis, too, understood משפט to mean strict law, cf. R. Haninah's remark. He who says God is lax in meting out justice, will shrivel up, כל האומר הקב"ה נחמן, הוא יותרו חייו שנ' הצור הכים פעלו כי כל רכיו משפט. Livy (2.3) observes, the law knew no relaxation (*nihil laxamento*) for one who exceeded the bounds, cf. also Cicero, *Cluent.* 38.89 for *laxamentum legis*. For the expression ἀπο παντὸς τοῦ δακαίου in accordance with strict justice, cf. Bickerman, *Classical Philology* 42 (1947), p. 142, note 37, cf. also A. Deschamps, "La Justice de Dieu dans la Bible grecque," in *Studia Hellenistica*, vol. V, 1948.

¹⁰⁹ Cf. Ps.-Quintilian, *Declamationes*, no. 264, ed. Ritter, Leipzig, 1884, p. 80. "Nam si apud iudicium hoc semper quaeri de legibus oportet, quid in his iustum, quid aequum, quid conveniens sit civitati, supervacuum fuit scribi omnino leges." For this

However, in the course of time it was realized that adhering to the strict law (משפט) might not accomplish the purpose of the law which was justice (צדקה) and the welfare of society.¹¹⁰ (וְחַי בָּהֶם, Lev. 18:5 and למען ייטב לך, Deut. 5:26). The prophet could envisage no worse punishment for Israel for their refusal to obey the divine law, than their forced submission to bad and intolerable laws להם וְאֵי נַחְתִּי (Ezek. 20:25).¹¹¹ Did not Scripture point with pride to the fact that Hebraic statutes and Laws were incomparably just (Deut. 4:8)?¹¹² The discrepancy between law and justice was duly noted by the prophets who continually stressed the importance of combining law and justice (משפט וצדקה). David was extolled by the historical writers for his exemplary dispensation of justice.¹¹³

In order to combine law with justice the principle of equity came into being.¹¹³ Equity is based on an understanding of the intent of

Declamation, cf. ZSS., 41, p. 23 and Lanfranchi, *Il Diritto nei Retori Romani*, Milan, 1938, p. 143, note 7.

¹¹⁰ Similarly, Aristotle said that civil society was founded not merely to preserve the lives of its members, but that they might live well. *Politics*, III.9 (1280a), cf. also Maimonides, *Moreh*, I.42, and III.28, צְלָחָה אֱלֹהֵינוּ אֶלְמִינָה, which Ibn Tibbon rendered חֶקֶן עֵינֵי הַכּוֹרֵנִה. This phrase in turn corresponds to the term "civil society," for the latter, cf. Hegel, *Philosophy of Right*, Oxford, 1949, p. X, and p. 122 ff.

¹¹¹ As a punishment for their sins, God left them to follow their own ideas, which they eventually ascribed to Him, cf. Ps. 81:13, Spinoza's observation applies to this passage of Ezekiel, "If they (i. e., the Jews) desire anything, they say that God inclines their hearts thereto," *Tractatus Theologico-Politicus*, London, 1868, p. 33. For Spinoza's own interpretation of this baffling statement of Ezekiel, cf. *loc. cit.*, p. 310, and Montesquieu, *Esprit des Lois*, XIX.21. The rabbis too were puzzled by this verse, cf. e. g., Ex. Rab. 30.18.

¹¹² Similarly Cicero extols the laws of the XII Tables precisely for *summa aequitas*, cf. *De Re Publica*, II.36, 61. Tacitus designates the laws of the XII Tables as *finis aequi juris*, cf. *Annals*, III.27.

¹¹³ II Sam. 8:15, cf. Sanh. 6b. King Solomon when he was in Gibeon, prayed to God that he be given wisdom to dispense law and justice, הָבִין לִשְׁפֹּט מִשְׁפָּט, I Kings 3:9 ff., and his request was granted. For this incident, cf. Hildegard Lewy, *Archiv Orientalni*, vol. XVIII, no. 3, 1950 (*Hrozny Anniversary Volume*, part IV), p. 331-332.

¹¹⁴ The Greek *ἐπιείκεια*, the Roman *aequitas*, and the English equity are not synonymous, but have a basic notion in common, cf. Austin, *Lectures on Jurisprudence*, 1873, II, pp. 634 ff., Seagle, *The Quest for Law*, 1941, pp. 180 ff., 432-433, Diamond, *Primitive Law*, pp. 348-349, and F. W. Maitland, *Equity, Also the Forms of Actions at Common Law*, Cambridge, 1920, and Hazeltine, "The Early History of English Equity," in *Essays on Legal History*, edited by Vinogradoff, 1913. For *ἐπιείκεια*, cf. Heinz-Horst Schrey, "Die Wiedergeburt des Naturrechts," *Theologische Rundschau*, 19 (1951), 28-29, and for *aequitas*, cf. E. M. Meyers, "Le Conflit entre l'équité et la loi chez les premiers glossateurs," *Tijdschrift voor Rechtsgeschiedenis*, 17 (1941), 117-135, and Beseler, *Juristische Miniaturen*, Leipzig, 1929, p. 61.

Secondly, the term *אמת משפט*¹¹⁹ the judgment of truth,¹²⁰ signifies laws which are truly just and morally right, in contradistinction to *משפט* pure and simple, which is scrupulously correct and legal. Thirdly, *משפט שלום* the law of peace,¹²¹ views the end¹²² of law specifically to be the preservation of peace¹²³ in behalf of which a relaxation of the strict law is sometimes necessary. Isaiah portrays the future judicial activity of the Messiah as one in which equity plays the most significant role, "And he shall not judge after the sight of his eyes."¹²⁴

¹³³ Isa. 11:3-4, cf. Ibn Ezra, *ad loc.*, and Sanh. 6b. אין לו לדיין אלא כה שענין רואיה. A judge who suspects that the witnesses are lying should not render a decision on the basis of their evidence, כנין לדיין שיודע בדיון שהוא כרוסה שלא יאמר הוואל והעדים כעידים.

Neither decide after the hearing of his ears, but with justice shall he judge the poor, and decide with equity for the meek of the land." We have already noted before that the phrase spirit of the law רוח משפט is Biblical, and the term letter of the law אות מן התורה is rabbinic. Suffice it to say that the phrase spirit of the law has left its mark in rabbinic phraseology. There is a statement, that one who violates an oral pact, acts contrary to the spirit of rabbinical law אין רוח חכמים נוחה הימנו.¹²⁵ The same phrase is used with respect to a person who bequeathes all his property to strangers, and thereby disinherits his children.¹²⁶

The antithesis between letter and spirit does not form one of the rules of classical Jewish hermeneutics, yet it does figure prominently in the interpretation of the rabbis. The general rule is to follow the letter, and only in exceptional cases the spirit of the law.^{126a} R. Ishmael reported three instances where the traditional interpretation deviated from the letter of the law,¹²⁷ בשלשה מקומות הלכה עוקבת מקרא and three examples where he himself interpreted the law according to the spirit¹²⁸ זה אחד משלשה דברים שהיה ר' ישמעאל דורש כמין משל. R. Judah maintained that one who translated Scripture literally, in opposition to the authorized Aramaic version, misrepresented the sense, and he who paraphrased it is as blameworthy as a blasphemer¹²⁹ המחרג פסוק

אחתכנו ויהא קולר חלוי בצואר עדים ח'ל מדבר שקר תרחק (Shebu. 30b-31a). In Roman law, a magistrate or one presiding in a criminal case who allows false testimony to be presented by which an innocent person may be prosecuted or convicted, is liable under the Cornelian law relating to assassins and poisoners. *Lege Cornelia de sicariis et veneficis tenetur, . . . quive, cum magistratus esset publicove iudicio praesset, operam dedisset, quo quis falsum indicium profiteretur, ut quis innocens conveniretur condemnaretur* (D. 48.8.1 pr.).

¹²⁵ B. M. 48a, cf. also M. Sheb. X.9, T. Sheb. VIII.11 and parallels, Num. Rab. X.8 (ed. Vilna, f. 38c). This reminds one of the Roman rule, *nuda pactio obligationem non parit*, D. II.14.7.4, cf. M. Roberti, "L'influenza cristiana nello svolgimento storico dei patti nudi," in *Christianismo e Diritto Romano*, Milan, 1935, pp. 87ff.

¹²⁶ B. B. VIII.5.

^{126a} The principle formulated by the Amoraim יוצא מידי פשוטו, Shab. 63a, represented also the opinion of the Tannaim, cf. Boaz Cohen, "Towards a Philosophy of Jewish Law," in *Conservative Judaism*, vol. VI, no. 1, pp. 7-9. In Islam too every rule must be taken in its literal meaning (*Zahir*) unless there is an indication to the contrary, on the authority of the Prophet, or the consensus of the scholars, cf. Schacht, *The Origins of Muhammadan Jurisprudence*, p. 56, and Goldziher, *Die Zahiriten*, p. 122. The Moslem Fikh always strove, to use the words of Goldziher, "den schroffen Buchstaben des Gesetzes durch spitzfindige Umdeutung mit der Praxis des Lebens auszusöhnen," cf. *Z. D. M. G.*, 41 (1887), p. 96.

¹²⁷ Sotah 16a, Yer. Kid. 59d, cf. Bacher, *Exegetische Terminologie*, I.44.

¹²⁸ Mekilta, ed. Horovitz, p. 270 and parallels.

¹²⁹ Kid. 49a, T. Meg., end.

כצורתו הרי זה בראי המוסף עליו הרי זה מחרף ומנרף. In other words, one who interprets the law, be it according to the letter or spirit, if it is at variance with tradition, is stigmatized as *מנלה פנים בחורה שלא כהלכה*.¹³⁰

Interpretation according to the letter was usually indicated by such phrases, as (1) *דברים ככתבן* (2) *עקרת מה שכתוב בחורה* (3) *נוירת* (4) *ממש* (5) *כמשמעו* (6) *דווקא*.¹³⁶ However, there was no corresponding phrase for interpretation according to the spirit. The rabbis could not formally admit an antithesis between letter and spirit, for such an admission could easily lead to an abolition of the ceremonial law, as was indeed attempted by the radical allegorists of Alexandria and later by Paul.¹³⁷ Departure from interpretation of the letter of the law was indicated by some circumlocution, such as (1) *שומע אני כמשמעו חלמוד לומר* (2) *יכול דברים ככתבן חלמוד לומר* and the like.

While numerous hermeneutical rules are preserved in the Talmud, the overriding principles motivating their interpretations are rarely stated,¹⁴⁰ nevertheless we may distinguish two paramount attitudes that determined to a large extent their interpretation, that is strict law versus equity. There were times when the sages deemed it wise to accept the *ius strictum*, and the interpretation of the law was in keeping with the letter. In other instances equity was the supreme consideration and interpretation was in accordance with the spirit

¹³⁰ Ab. III.11. An example is given in M. Meg. IV.9, cf. Büchler, *M. G. W. J.* 38, 1893, p. 108 and Margulis, *loc. cit.*, 39 (1894), 63-79.

¹³¹ Cf. e. g., Pes. 21b, Ket. 46a, Yer. Ket. IV.4, Qid. 17b, Sanh. 111a.

¹³² M. Pes. VI.2.

¹³³ B. M. 11a, Sanh. 69b-70a.

¹³⁴ B. K. 84a.

¹³⁵ M. Sotah VIII.5.

¹³⁶ Tem. 12b.

¹³⁷ Cf. Ginzberg, *Jewish Encyclopedia*, s. v. Allegorical Interpretation. For the דורשי רשומה, cf. Levi, *REJ*, 60, 24 ff., and Lauterbach, *JQR*, N. S. V.291, and *Dictionary of Islam*, s. v. *Tawil*.

¹³⁸ Ber. 35b, for this passage, cf. Azulai, *Birke Joseph*, *Yoreh Deah*, 246.1.

¹³⁹ Mekilta, ed. Horovitz, p. 64. In contradistinction to the literal interpretation subsequently called *פשוט*, Midrash attempts to fathom the Spirit of Scriptures. Neither was the consciousness of the divergence between Peshat and Midrash, which gradually increased, completely obliterated (cf. *J. E.*, VIII.548). Noteworthy is the statement of Raba, Scripture ordained forty stripes and the rabbis diminished the number by one, Mak. 22b. כתיב ארבעים ואחר רבן בצרו חמא, cf. also A. Karlin, *יכודי מדרש הלכה בהוקי ההורה ובמשפחה*, in *Sinai*, vol. 14 (1951), 133-145.

¹⁴⁰ Cf. B. B. 144a, Git. 14a, where it is stated that only three rules are handed down without reason. With few exceptions, the Romans were not wont to give reason for their rules of law or legal institutions, cf. Schulz, *Principles of Roman Law*, pp. 98-100.

of the law. The problem confronting the rabbis was the same that faced the expounders of every other code of law. "A system of law must consist of a body of invariable rules or it will neither grow nor persist, at the same time it must do substantial justice."¹⁴¹ Equity is denominated *לפנים משורת הדין* within the line of the law and contrasted with *שורת הדין* strict law.¹⁴² The term *שורת הדין* literally, the line of the law, may be traced to Isa. 27:17, *לְקוֹ וְצִדְקָה לְמִשְׁקָל*,¹⁴³ I shall make law the line, and justice the plummet. Equity is, in a way, a special rule, adapted to specific circumstances. Similarly Aristotle compares the special ordinance made to fit the circumstances of the case to the leaden rule used by the Lesbian builders¹⁴⁴ (*ὥσπερ καὶ τῆς λεσβίας οἰκοδομῆς ὁ μολίβδινος κανὼν*).

Instances are recorded in the Talmud of scholars who yielded in matters where the law was on their side, in accordance with the principle of *לפנים משורת הדין*.¹⁴⁵ The equitable man, says Aristotle,

¹⁴¹ Cairns, *Legal Philosophy from Plato to Hegel*, p. 369. Hence many passages in Scripture and the Mishnah require a *duplex interpretatio* in view of the fact that the meaning which it had in its original context varied considerably from that given to it by the subsequent commentators. For the similar position of the Digest in the framework of Justinian's legislation, cf. Dernburg, *System des Römischen Rechts*, 1911, vol. I, p. 59, Windscheid, *Lehrbuch des Pandektenrechts*, I, 8th ed., 1900, p. 96, note 3, and Riccobono, "Interpretatio Duplex," reprinted from *Miscellanea Giovanni Mercati*, vol. V, 1946, pp. 1-5. The doctrine of the twofold truth, theological and philosophical, permeated the entire later medieval period, cf. M. Maywald, *Die Lehre von der zweifachen Wahrheit*, Berlin, 1871, and Windelband, *A History of Philosophy*, 1921, p. 320.

¹⁴² Mekilta, ed. Horowitz, p. 198, in the parallel passage in B. M. 30b, *לפנים* *דין תורה* is contrasted with *דין*, R. Yohanan, *loc. cit.*, contrasts it with *לפנים*. In M. Git. IV.4 *שורה הדין* is opposed to *הקן העולם* with respect to the manumission of a pledged slave. For the Roman rule on this point, cf. Buckland, *Slavery in Roman Law*, p. 573. In Git. 54b logic (*שורה הדין*) is opposed to law (*ההורה האמינה*). The term *דין* meaning strict law is found in the phrase *יקוב הדין את ההר*, Sanh. 6b, (where it is used in opposition to arbitration, cf. also Yeb. 92a), and in the phrase, *אין מדרגין בדין*, M. Ket. IX.2. For the latter, cf. Deut. 13:9, 19:13, 19:21, and 25:12 and Sifra, *ad loc.*, *מִן־הַמִּבְיִשׁ כְּשֶׁלֹּם כֶּסֶם*. Sometimes *Torah* means a strict law, cf. the statement in Num. Rab. 21.5, man should not be more liberal than the law. *אלהי צדק הרבה שלא ירא אדם פתור על התורה*, cf. also Zuri, *משפט ההלכות*, Warsaw, 1921, 1.85-86. For the phrase *דין לוקה*, justice suffers, cf. B. K. 85b, T. Yeb. IX.8, Yer. Yeb. VII.4 (8b) and B. K. IV.1 (4a).

¹⁴³ According to Rashi, 'Er. 51b, the phrase *ענו ומוקו* was applied to R. Jose, because he was equitable in his decisions, *רבה ישר כמו המשקול*.

¹⁴⁴ *Nicomachean Ethics*, V.10, 7, (1137b).

¹⁴⁵ Cf. B. M. 24b, 30b, B. K. 99b, Ket. 97a, Ber. 45b, cf. also Rashi to B. K. 108a, s. v. *הבעור בעלים*, and 108b, s. v. *אם עברה לו*, B. M. 33a, s. v. *כל המקיים*, and Maimonides, *Hilkot Deot*, I.5. In B. M. 83a, the principle of equity is derived from Prov. 2:20, *לִצְדִק הֵלֶךְ בְּדֶרֶךְ צִדִּיק*, cf. Seneca, *De Ira*, II.28.2, Kaminka, *Mélanges*

is one who does not strain the law, but is content to receive a smaller share although he has the law on his side.¹⁴⁶ Other principles of equity are introduced in the Talmud in accordance with injunction of Deut. 6:18, ועשית הישר והטוב, such as שומא דהר לעולם¹⁴⁷ which corresponds to the equity of redemption of English law,¹⁴⁸ and the דינא דבר מצרא¹⁴⁹ or the right of pre-emption.¹⁵⁰

While considerations of equity were undoubtedly the prime factors which actuated the rabbis to deviate from the letter or the *ius strictum*, there were other motives which were just as compelling, such as public welfare (מפני תקון העולם)¹⁵¹ or the interest in a peaceful society (פניי דרכי שלום). On the whole, it should be remembered that the rabbis, like most jurists, do not ordinarily disclose their inner motivations but mostly give technical reasons for their interpretations. Consequently we are frequently left to our resources to conjecture the inner processes of their minds.

The rabbis developed a system of interpretation, but it can hardly be said that they had a real theory of construction. Rules such as were developed by the Greek and Roman rhetoricians played no minor

Israel Levi, p. 252, Güdemann, "Moralische Rechtseinschränkung im Mosaisch-rabbinischen Rechtssystem," in *MGWJ*, 61, pp. 422-443, and Eschelbacher, "Recht und Billigkeit in der Jurisprudenz des Talmud," in *Festschrift — Herman Cohen*, 501-514 and Abrahams, *Studies in Pharisaism and the Gospels*, II, 113, note 2. Occasionally it is stated that God acts in accordance with the principle of לציניו, cf. Ber. 7b, and 'Ab. Zarah 4b. The principles of Law and Equity are personified in rabbinic metaphor: Elohim represents מדה דין, the attribute of justice, and the Tetragrammaton מדה רחמים, the Attribute of Mercy, cf. e. g. Gen. Rab. 33, 3, Yer. Ta'an. II.1, Cant. Rab. I.4. Ginzberg, *Legends of the Jews*, V, p. 4, note 6, and Vajda in *יד*, קובץ על יד, V, 1951, Jerusalem, p. 134. For the dictum that Elohim numerically equals Nature, cf. Zlotnik, *כפר מדרש הפליצה*, אלהים בוכטריא הטבע, העברית, Jerusalem, 1939, p. 58.

¹⁴⁶ *Nicomachean Ethics*, V.10.8, (1138a).

¹⁴⁷ B. M. 16b, 35a.

¹⁴⁸ Blackstone, *Commentaries*, II, 158, Buckland and McNair, *Roman Law and Common Law*, p. 241.

¹⁴⁹ B. M. 108a.

¹⁵⁰ Cf. G. Ostrogorsky, "The Peasants' Preemption Right," *Journal of Roman Studies*, 37 (1947), 117-126. For the Muslim law, cf. Santillana, *Istituzioni di Diritto Musulmano Malichita*, I, p. 393 ff., and Bussi, *Ricerche intorno alle relazioni fra retratto bizantino e musulmano*, Milan, 1933, for the latter, cf. ZSS, 54:402 ff., and Roussier, *R. H. D.*, 1934, pp. 323-332, cf. also Volterra, *Diritto Romano e Diritti Orientali*, 1932, p. 62, note 2, cf. also Levy, *West Roman Vulgar Law*, Philadelphia, 1951, p. 119, notes 124-125.

¹⁵¹ For תקן note that one of the functions of the praetor was *corrighendi iuris civilis gratia* (*Digest* 1.1.7.1). With respect to the religious law, we read that the Emperor Claudius as *Pontifex Maximus: Quaedam circa caerimonias . . . aut correxit*, cf. Gaston May, *Revue Historique de Droit Français*, 1938, p. 2, note 3.

role in Talmudic dialectics^{151a} which were primarily concerned with practical and academic questions. Books on Greek rhetoric¹⁵² were in part handbooks on pleadings for advocates, whereas in Talmudic times, a legal representative empowered to *plead* in behalf of another was unknown except in the case where the High priest was a defendant, when it was assumed that the אגלל = ἐντολάρχος might appear in his behalf;¹⁵³ hence the science of rhetoric^{153a} typical of the Greeks, with its emphasis upon devices and stratagems to help the client win his case, was not developed by the rabbis.

At a certain stage in the development of law, the inherent antithesis between the letter and spirit becomes more or less pronounced. Now it was the task of the rabbis to preserve a just balance between letter and spirit. The rabbinical jurists were fully aware of the fact that *summum ius summum iniuria*,¹⁵⁴ yet they could not bend every law to the principle of equity. If they did, the traditional system of law would have disappeared. Yet their interpretation was a veritable triumph over the most contrary materials.¹⁵⁵ The rabbinic interpretation too, like that of other developed systems, was partly grammatical, partly logical, and partly technical, and casuistical. The rabbis made free use of analogy, and their interpretation was sometimes extensive, sometimes restrictive. Their sense of logic bade them to consider the reason for the law¹⁵⁶ as a basis of interpretation, or to look upon a

^{151a} Cf. Lieberman, *Hellenism in Jewish Palestine*, pp. 47 ff.

¹⁵² Cf. Schulz, *Roman Legal Science*, pp. 74-76, and Bonner, *Declamations*, pp. 46-49. Mitteis, *Reichsrecht und Volksrecht*, pp. 190 ff., and Steinwenter, "Rhetorik und römischer Zivilprozess," *ZSS.*, 65 (1947), 69-120.

¹⁵³ Yer. Sanh. II, 19d, cf. Lieberman, *Greek in Jewish Palestine*, p. 13. For the law of representation, cf. Cohn, "Die Stellvertretung im jüdischen Rechte," *ZVR*, 36 (1920), 124-213, 354-460. For Greco-Egyptian Law, cf. Wenger, *Stellvertretung im Rechte der Papyri*, 1906, cf. Mitteis, *ZSS.*, 28 (1907), 475-483, and Taubenschlag, *The Law of Greco-Roman Egypt*, I.233-235.

^{153a} Cf. Daube, "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *HUCA*, XXII, 239-64. For famous rhetoricians from the Roman near East, cf. Heichelheim, *An Economic Survey of Ancient Rome*, IV, 168, for the Jewish rhetorician Caecilius of Calacte, cf. Schürer, *Geschichte*, III (4th ed.), pp. 629-633. For the influence of Roman rhetoric upon later Jewish literature, cf. Brüll, "Zur Geschichte der rhetorischen Literature bei den Juden," *Ben Chananja*, VI, (1863), 486-490, 509-513, 527-532, 568-573.

¹⁵⁴ Cicero, *De Officiis*, I.10.33, cf. Moore, *Judaism*, III.187.

¹⁵⁵ Cf. e. g., כיצד יתקיימו שני כהובים אלו, *Mekilta*, ed. Horovitz, p. 64.

¹⁵⁶ R. Simon interpreted the law according to its sense, דרריש טעמא דקרא, Sanh. 21b, cf. also Bacher, *Agada der Tannaiten*, II.103-104. For the reason of the statute as a general ground of decision, cf. Austin, *Lectures on Jurisprudence*, 1873, p. 1026. For the *occasio legis*, cf. Dernburg, *System des Römischen Rechts*, 1911, I, 57.

Scriptural command as merely a typical case.¹⁵⁷ Paradoxically enough, the rabbis took deliberate advantage of the letter of the law to preserve its spirit. Logically speaking, says R. Simon, a wayward daughter should also be subject to the same law as the rebellious son, but we abide by the letter of the law which says a son and by implication rules out the daughter.¹⁵⁸ "Psychologists," says Santayana, "are not concerned with what an opinion asserts logically, but only with what it is existentially; they are asking what existential relations surround an idea when it is called true which are absent when it is called false. Their problem is frankly insoluble."^{158a} In law the jurist solves this problem by interpreting the statute according to the spirit rather than in conformity with the letter. Often the rabbis resort to technicalities in interpretation. A fruitful source was their conception of the total meaning of Scripture, which led to their discovery of legal notions and ideas embedded in the very economy of the Hebrew language of Scripture. They acted for the most part as if Scripture was not simple human discourse.¹⁵⁹ One word did duty for two.¹⁶⁰ In all cases, the technique of the interpretation of the law as well as the application of legal precepts were definitely determined by a combination of factors; such as the ideals of a social order they envisaged (חקון העולם), their ethical notions, received traditional values,¹⁶¹ as well as the need for adjustment to individual circumstances.¹⁶²

From the foregoing analysis it becomes clear that Paul's charming antithesis,¹⁶³ "the letter killeth and the spirit reviveth," is overdone. If

¹⁵⁷ Cf. Sifre Deut. 23:11 and Bacher, *Terminologie* I, 38, note 3.

¹⁵⁸ Sanh. 69b-70a. Sometimes the interpretation of the law according to the letter or the spirit led to the same conclusion. Thus R. Judah excluded an Ammonitess and Moabitess from the prohibition in Deut. 23:4, because he took the verse literally, עמתי ולא עמונית כואבי ולא כואבית. At the same time R. Simon interpreted the verse in the light of the reason given for the enactment. Scripture says, because they met you not with bread and water in the way (Deut. 23:5). This of course does not apply to the females, Yeb. 77a.

^{158a} *Character and Opinion in the United States*, New York, 1920, p. 156.

¹⁵⁹ Cf. Boaz Cohen, "Canons of Interpretation of Jewish Law," in *Proceedings of the Rabbinical Assembly*, 1933-38, p. 175, note 24.

¹⁶⁰ Cf. e. g. Mak. 23a, B. K. 47b, 58b, 66a, B. M. 47b, Kid. 14a, שבע ביניי חררי.

¹⁶¹ Cf. Yeb. 8.3, האם הלכה נקבל ואם לדין יש הסוּבָה.

¹⁶² Cf. Yeb. 16.3, לא כל האדם ולא כל המקום ולא כל השעה שוין, and Aristotle's remarks: that the law having laid down the best rules possible, leaves the adjustment and application of particulars to the discretion of the Magistrate, *Politics*, III. 16, (1287a). Elsewhere Aristotle notes that the laws should define the issue as far as possible and leave as little as possible to the discretion of the judges, ἐπὶ τοῖς κρινουσιν, *Rhetoric*, I.1.7 (1354a).

¹⁶³ The antithesis of Paul was not inspired by the technique of thought of

it be taken literally, like any hyperbole,¹⁶⁴ it will be, at best, an elegant straining of the truth. When Paul said in effect, to use the words of Tennyson: "I broke the letter of it, to keep the sense," his Jewish contemporaries were saying to themselves, "He is like one who says: Break the jug but keep the wine,¹⁶⁵ and cut his head off, but keep him alive."¹⁶⁶

Paul was eminently imbued with the culture of his day, and was undoubtedly familiar with the current doctrines of Greek rhetoric and Roman Law, which was natural for a man raised in Tarsus, the seat of a university where Stoic philosophy and Roman law were taught.

As a protagonist of a new religion,¹⁶⁷ Paul was as much interested

Heraclitus as H. Leisegang asserted (*Der Apostel Paulus als Denker*, Leipzig, 1923 p. 39), but by the Greek inventors of the antithesis, cf. Gomperz, *Griechische Denker*, I, 370 ff., and W. Süss, *Studien zur älteren griechischen Rhetorik*, 1900, p. 3.

¹⁶⁴ Quintilian tells us that the hyperbole is an elegant straining of the truth, *decens veri superiectio*, *Inst. Or.*, VIII.6.67. The rabbis too made use of the hyperbole, cf. Tamid 29a, דברו חכמים בלשון הבאי.

¹⁶⁵ B. B. 16a, שבור החבית ושבור את יינה.

¹⁶⁶ Ket. 6a and parallels. פסיק רישיה ולא ימות. These are proverbial expressions indicating that one is asking the impossible. The same idea underlies the Arabic proverb, *أذا الغريق فما خوف من البلل*, "He threw him into the river and said take care, you do not get wet," to which Judah Ha-Levi alluded in the *Kuzari* III, 38 (ed. Hirschfeld, p. 188) as was first noted by Goldziher, *Z. D. M. G.*, 51 (1897), p. 472. It is to this very idea that Shakespeare gave expression in the *Merchant of Venice*, IV.1, 308.

Take then by bond, take thou thy pound of flesh;
But, in the cutting, if thou dost shed
One drop of Christian blood, thy lands and goods
Are, by the laws of Venice, confiscate
Unto the state of Venice.

Jurists have sought in vain for some legal significance to this sarcastic and impossible decision, cf. Jhering, *The Struggle for Law*, Chicago, 1879, p. 81 and Griston, *Shaking the Dust from Shakespeare*, 1924, p. 137, 140-141, 146-148, 172-178. However, Shakespeare was not giving utterance to a legal concept but was playing with a proverbial expression that was considered merely as an ironical pleasantry in his time.

¹⁶⁷ Cairns remarks that by the thirteenth century, the church fathers could be cited both for and against the thesis whether the Letter of the Law should prevail. On the basis of a sentence from St. Augustine it was held that the Letter of the Law should be followed, whereas St. Hilary, who was much influenced by Quintilian (cf. H. Kling, *De Hilario artis rhetoricae*, Freiburg in Br., 1909) was quoted in support of the view that the Spirit of the Law should dominate. Cf. *Legal Philosophy from Plato to Hegel*, p. 195. For the view of Canon Law on the subject, cf. Cicognani, *Canon Law*, Philadelphia, 1935, pp. 608 ff. Note that many of the Church Fathers

in reaching the Jews as well as the Gentiles.¹⁶⁸ Consequently he used his Jewish¹⁶⁹ and Greek learning to discredit Jewish law, by methods employed by advocates in the law courts to win a case. Hence he coined the antithesis between letter and spirit, which is an amalgam of the familiar Greek antithesis of *ῥῆδος καὶ διάνοια* and dressed it in a Hebrew garb woven from *רוח משפט* and *אורח התורה*.

In conclusion, the rabbis were deeply concerned with preserving the spirit of the law,¹⁷⁰ in their own original manner,¹⁷¹ without vain display. The jurists of the Talmud, like the Roman jurists, possessed, to borrow the language of Sir Henry Maine, "the same rectitude of moral view, the same sensibility to analogies, the same nice analysis of generals, and the same vast sweep of comprehension over particulars. If this be delusion, it can only be exposed by going step by step over the ground which these writers have traversed."¹⁷²

were deeply versed in the doctrines of rhetoric, cf. Wilamowitz-Möllendorf, *Glaube der Hellenen*, II.452.

¹⁶⁸ Cf. Daube, "Jewish Missionary Maxims in Paul," in *Studia Theologica*, Lund, I, 1947, pp. 158-169, and Davies, *Paul and Rabbinic Judaism*, London, 1948, p. 68.

¹⁶⁹ As Prof. Ginzberg has written, "He (i. e. Paul) learnt the art of destroying the law by the law or as the author of Clementine writings has it, *ex lege discere quod nesciebat lex* (*Recognitiones*, II.54) from his Jewish masters," *Jewish Encyclopedia*, I.630, cf. also his remarks, *loc. cit.*, I.410. "Israel's history and legal enactments were construed (by Paul) as being in reality intimations of the realities of faith, concealing the spirit in the letter and reducing the Old Testament to mere shadows."

¹⁷⁰ The purpose of Montesquieu in his classic *Esprit des Lois*, first published in Geneva, 1748, was to show that the diversity of laws was not the result of caprice but was the consequence of the operation of first principles upon the nature of things such as climate, religion, commerce, government and customs. Other books dealing with the spirit of law are: Jhering, *Geist des römischen Rechts*, vols. I-III which passed through several editions, A. Wagermann, *Der Geist des deutschen Rechts*, 1913 and Pound, *The Spirit of the Common Law*, 1921. The latter books purport to present characteristics, peculiarities, essence and temper of the legal systems they describe. For a criticism, cf. Seagle, *Quest of Law*, pp. 153-158. Seemingly influenced by Montesquieu is: I. E. Cellerier, *Esprit de la législation Mosaique*, vols. I-II, Geneva-Paris, 1837 (non vidi).

¹⁷¹ "Durch 'Interessenjurisprudenz' erfüllt die Rechtswissenschaft ihre praktische Aufgabe, den Inhalt des Rechts zu finden: das Recht auszulegen, das Recht zu ergänzen, neuem Recht die Bahn zu brechen, den überlieferten *Buchstaben* mit dem *Geist* der Gegenwart zu erfüllen," cf. Sohm-Mitteis-Wenger, *Geschichte und System des Römischen Privatrechts*, 1933, p. 30. This is also an apt description of the aim of Rabbinic jurisprudence.

¹⁷² *Village Communities*, New York, 1880, p. 383.

11.

ALEXANDRIAN METHODS OF INTERPRETATION AND THE RABBIS

by David Daube

I. 'Αναστροφή and *seres* – or the Origin of the Cento

In a previous study¹, I tried to shew that the Rabbinic system of interpretation derives from Hellenistic rhetoric. One link in the chain of my argument was that some of the Rabbinic technical terms strike one as translations. It is by no means a necessary link. The Rabbis were no less successful than the Romans in finding or coining good, native expressions for the notions they adopted. From the word *notatio* as such² we could not guess that it stands for ἐτυμολογία. Still, where translation is noticeable, it does suggest borrowing. The view that the doctrine of the «issues» came to Rome from Greece is certainly supported by the use of *constitutio* and *status*³, obvious renderings of στάσις.

About the middle of the 2nd century A.C., Josiah, a disciple of Ishmael, favoured the method usually called *seres*: a verse at first sight illogical might be made logical by a re-arrangement of its parts. The Bible records⁴ that certain men brought a problem «before Moses and before Aaron», that Moses transmitted it to God and that God informed him of the solution. Josiah explained⁵ that the passage needed re-arrangement. The men, he claimed, must have approached Aaron first, and when he did not know, they went on to Moses who had access to God. So the real meaning, according to Josiah, was that the problem was brought «before Aaron and before Moses».

¹ Rabbinic Methods of Interpretation and Hellenistic Rhetoric, in Hebrew Union College Annual, 22, 1949, pp. 239 ff.

² Cicero, Top. 8.35.

³ Cicero, De Inv. 1.8.10, Top. 25.93.

⁴ Nu 9.6 ff.

⁵ Siphre *ad loc.*

In the article mentioned above, I remarked that *seres*, which normally denotes «castration», was a curious name for the method in question; and I concluded that, possibly, its choice was influenced by τέμνειν and τομή, signifying, *inter alia*, «castration» and «logical division». In the meantime, however, I have discovered the origin of the method – in Alexandria, as I had assumed – as well as its technical designation in Greek – which is different from that I had looked for, namely: ἀναστροφή.

No dictionary I have seen lists this sense of ἀναστροφή: «interpretation by re-arrangement». The nearest to it we get is «writing with transposition of the accent» – ἄπο instead of ἀπό – and «writing with transposition of the accepted order of words» – *enim* at the beginning of a sentence. Latin grammarians speak here of *transmutatio* or *inversio*⁶. But, clearly, it is one thing for an author to give an accent or word an unusual place, and quite another for the reader of a text to separate its parts and combine them afresh with a view to evading its *prima facie* meaning and extracting one which he considers more plausible. Such phenomena as a transposition of the accent or the accepted order of words will occur in any language and at any time, though admittedly euphuism has more use for them than the Domesday Book. By contrast, the method of interpretation by re-arrangement is anything but universal. It presupposes a belief that the piece of literature concerned possesses supernatural qualities; that it is perfect, but only for those who have the key; that it is a riddle «which neither speaks out nor conceals but indicates»⁷.

How ἀναστροφή came to be described as *seres* by the Rabbis we shall discuss below. For the moment we may inspect its application at Alexandria.

Homer tells us⁸: «Another could only with difficulty lift that cup, while Nestor, this old man, raised it easily». The Alexandrian commentators held that, taken literally, these lines represented Nestor as stronger than Diomedes, Ajax and even Achilles; but this, they thought, Homer could not have meant. Let us note that even this literal interpretation proceeded from the ascription to Homer of an absolutely faultless accuracy of expression. In point of fact Homer does not, of course, think of drawing a comparison between Nestor and the other great heroes. What he means to convey is no more than that Nestor, despite his age, was more vigorous than many a youngster. However, such vagueness the admirers of Homer could not admit. Hence the lines created a problem: they seemed to make Nestor stronger than even Achilles, which he definitely was not.

⁶ Quintilian, I.O. 1.5.39 f., 9.4.89. Interpolationists please note what he has to say about *gitur*.

⁷ Cp. Heraclitus, in Diels, *Fragmente der Vorsokratiker* 1, 2nd ed., 1910, p. 86. II. 11.636 f.

The problem, incidentally, may well have been posed by the anti-Homeric party, perhaps by Zoilus himself. They were quite ready to press the words of the poet in order to detect contradictions and absurdities – just as some modern atheists who wish to discredit the Bible resort to a stricter interpretation than the staunchest fundamentalist.

Three solutions of the problem are preserved⁹. One school asserted that Nestor, a great lover of drink, was so used to lifting his cup that, in this particular respect, he really did excel the rest. Evidently, this solution was based on the distinction between ἀπλῶς and μὴ ἀπλῶς, between a proposition unconditionally true and one true only of a specific case, defined by circumstances, reference and manner, the when and the how – κατὰ τί, πρὸς τί, πῇ, πότε, πῶς.¹⁰ Homer did not speak of Nestor's powers in general, but of his powers at a banquet and in relation to his own cup.

A second theory was that the first word, ἄλλος, «another», should be read as two words, ἀλλ' ὅς, «but he». What Homer meant was: «But he – namely, Machaon, who had been grievously wounded¹¹ – could only with difficulty lift that cup, while Nestor, this old man, raised it easily». The poet declared Nestor superior, not to the other heroes at large, but to the unhappy Machaon only. It is plain that this substitution of ἀλλ' ὅς for ἄλλος employs διαίρεσις, *divisio*¹². Odysseus saw the possibilities of this method long before the philologists when he punned on Οὔτις and οὐ τις.

It is the third explanation which interests us. Among the scholars at the court of Ptolemy Philadelphus – the ruler who commissioned the Septuagint – there was Sosibius of Lacedaemon. He maintained that we should defend the passage by interpretation through re-arrangement, τῇ ἀναστροφῇ χρησάμενοι. More precisely, the phrase «old man» should be put immediately after the opening word «another», and the word «this» should be put before instead of after «Nestor»¹³. The result would then be: «Another old man could only with difficulty lift that cup, while this Nestor raised it easily». On this basis, all Homer said was that Nestor was better preserved than his contemporaries – other old men.

This is the method of ἀναστροφή or *seres*. It is very likely that Sosibius was its inventor. Apparently he was surnamed ὁ λυτικός. For the attribute is twice applied to him in Athenaeus¹⁴. But it is not ordinarily used of persons. So it

⁹ Athenaeus, Deipn. 11.492 ff.

¹⁰ Aristotle, Rhet. 2.24.9 ff., Soph. El. 5.3 ff., 25.1 ff.

¹¹ Il. 11.506 ff.

¹² Athenaeus, Deipn. 11.492a, Quintilian, I.O. 7.9.4 ff.; cp. Aristotle, Rhet. 3.11.6.

¹³ In the Greek, there must be a further change, namely, we are asked to read ὁ δέ instead of ὅς.

¹⁴ Deipn. 11.493a, 494a; cp. λύσις in 494b.

must have been bestowed on him as a title, as Fabius was called *Cunctator* or John «the Baptist». Nor, in all probability, did it refer to his skill in solving any kind of problem. What it referred to was his skill in refuting the critics of Homer, the blasphemers. There is an entire chapter in Aristotle's *Poetics*¹⁵, *περὶ προβλημάτων καὶ λύσεων*, devoted to a vindication of Homer. Sosibius, we may suppose, devised new ways of overcoming Homeric difficulties, and *ἀναστροφή* was one of his achievements.

This view is corroborated by the fact that the method caused surprise and even displeasure. Indeed, it was described as incongruous, as *ἀπροσδιό- νυστος λύσις*. Like many an innovator, he earned «*très peu de gré, mille traits de satire*».

Sosibius was the recipient of a royal stipend. One day when an instalment was due, he went as usual to collect it. But the treasurers, at King Ptolemy's instigation, told him that he had already been paid. He protested, but they, exactly as ordered by the king, reiterated just this and no more: «You have been paid». Finally Sosibius asked for an audience with the king. When he had presented his complaint, the king commanded the pay rolls to be fetched, and, after examining them carefully, decided that the treasurers were right and that Sosibius had obtained his stipend. He pointed out to Sosibius that the following scholars had acknowledged receipts of the sums owing to them: Soter, Sosisgenes, Bion and Apollonius. «If you take the *so* from Soter», the king argued, «the *si* from Sosisgenes, the *bi* from Bion and the *us* from Apollonius, you will find that you have been paid».

Sosibius was thus hoist with his own petard. After an interval of 2200 years, however, we are sufficiently detached to see that the king was not quite fair on him. True, interpretation by re-arrangement was a particularly arbitrary method. Once any statement by Homer could be treated as a cryptogram, almost of the kind of the SATOR-square¹⁶, there was little a dextrous linguist might not read into it. You could prove that Priam slew Odysseus and that Zeus was faithful to Hera. But two things are to be said in defence of Sosibius.

The first of them we cannot blame King Ptolemy for failing to take into account, though it is important enough. Sosibius, by his new method, prepared the ground for a whole type of literature: the cento, a piece of writing composed of scraps from one or more previous authors. That historians of literature have not so far recognized his part is simply due to the fact that his method of *ἀναστροφή* has remained unnoticed. As a result, the cento is considered as having

¹⁵ 25.

¹⁶ In which the sentence SATOR AREPO TENET OPERA ROTAS is made up of PATER NOSTER twice over, and arranged as a cross, plus the letters A and O.

sprung in some obscure fashion from parody¹⁷ – a most inadequate explanation. Once the nature of Sosibius's invention is appreciated, we have a better one. Ἀναστροφὴ consisted in an alteration of the order of phrases and clauses in Homer with a view to arriving at the deeper meaning of the poet. It was but a step from this procedure to an alteration of the order of phrases and clauses with a view to arriving at an avowedly fresh sense, a sense which it was admitted that the poet had never had in mind – the cento.

In a way, Ptolemy Philadelphus himself may be said to have taken this step. When he made up «So-si-bi-us» from other names in the pay rolls, he merely pretended to interpret the lists, he merely pretended to search for their true, inner meaning. In reality, he knew that he was doing nothing of the kind, but that his re-arrangement served to introduce a sense totally alien from that originally intended. With a little exaggeration, we may call his performance the first cento in world literature. At any rate, but for Sosibius, no Ὀμηροκέντρωνες, no Life of Christ by the Empress Eudoxia, no Cento Nuptialis by Ausonius, no hymns by the monk Metellus of Tegernsee and no poems and prayers in the «musive style» by the medieval Jews might have been written.

We may observe in passing that, very possibly, the hostility shewn to ἀναστροφὴ was at first extended to the cento. The name κέντρων, «patched cloth» or «patchwork garment of a harlequin», seems to express disdain of the thing so named.

The second point in favour of Sosibius is that a mode of exegesis suitable for a work like the Iliad need not be suitable for a pay roll. Homer, for his admirers, was a prophet, inspired, infallible. It was legitimate to elicit wisdom by allegorical interpretation, by assigning his utterances a different meaning from the usual. Why, then, should it have been inadmissible to read his utterances in a different order from that in which they stood? But to do the same with a pay roll, an ordinary, human document intended for legal purposes, was unwarranted. No doubt King Ptolemy was aware of the difference. We can only hope that on coming home from his interview Sosibius found a note waiting for him in which he was told that he must not take the joke to heart – and that his stipend would be raised.

Here we come back to the Rabbis. They were divided into various schools, some of them allowing more freedom of interpretation – or as the sceptics might put it, more arbitrariness – and some of them less. But they all distinguished between *halakha*, questions of law and ritual, and *haggadha*, questions of faith, ethics, wisdom, history and the like; and infinitely greater moderation was exercised in dealing with the *halakhic* portions and aspects of the Scriptures

¹⁷ See e.g. Crusius, in Pauly-Wissowa Realencyklopaedie 3, 1899, s.v. *Cento*.

than with the *haggadic*. The reason is obvious. No harm was done – in fact, much was gained – by a Rabbi concluding that, in the verse «To shew thy lovingkindness in the morning»¹⁸, the word «morning» signified «the World to Come»¹⁹. This was a matter of *haggadha*, of faith. But it would not have done to transfer this interpretation to the commandment: «The wages of him that is hired shall not abide with thee all night until the morning»²⁰. This concerned *halakha*, a law.

The method of *seres* was rarely, if ever, resorted to in the field of *halakha*²¹. Needless to say, it would never have occurred to the Rabbis to use it for interpreting a human document such as a pay roll. King Ptolemy's application would have struck them as quite out of place.

As a matter of fact, the main – though not the only – function of *seres* was to establish a plausible sequence of Biblical events. At the beginning of this paper we referred to a case which, according to the plain text of the Bible, was submitted «to Moses and to Aaron»; but Josiah, by means of *seres*, inferred that it was submitted «first to Aaron and then to Moses». It should be noted that, long before Josiah, the Rabbis had recognized the impossibility of taking the Biblical order of events as necessarily reflecting the order in which they had happened. Indeed, they formulated a principle, «There is no before and after in Scripture», and they felt free, say, to consider an incident recorded in chapter 9 of Numbers to have taken place prior to one recorded in chapter 1²². Occasionally, the scribes inserted dots or brackets – in particular, the so-called *Nun inversum* – into the manuscripts to convey that a verse or section was not where, according to its contents, it ought to be²³. What Josiah, or whoever first introduced the concept of *seres*, did was to bring this kind of exegesis under a wider heading, at the same time adding a few novel variations.

One passage from Genesis was affected by *seres* in a way leading to an actual alteration of the text. In its present form the Bible tells us how Abraham's angelic visitors left him, «but Abraham stood yet before the Lord»²⁴. From several Rabbinic sources²⁵ we learn that the genuine reading was «but the Lord

¹⁸ Ps 92.2 (3).

¹⁹ Ab. de R.N. 1.

²⁰ Lv 19.13.

²¹ A possible exception is the treatment of Ex 20.24 in Bab. Sota 38a and Siphre on Nu 6.23.

²² Siphre on Nu 9.1. Cp. Papias, quoted by Eusebius, Eccl. Hist. 3.39.15: «Mark became Peter's interpreter and wrote accurately what he remembered, though not in their order, of the statements and deeds of the Lord».

²³ Siphre on Nu 10.35. Whether the signs at one time had a different import is not here relevant.

²⁴ Gn 18.22.

²⁵ E.g. Gn Rabba *ad loc.* .

stood yet before Abraham». (The Rabbinic tradition is borne out by the following verse, which begins «and Abraham drew near and said». This comes more naturally after a remark that God remained with Abraham than after one that Abraham remained with God: after a remark to the latter effect, «he drew near» would be rather unnecessary²⁶.) The scribes, however, made the Lord and Abraham change places, since the expression «to stand before somebody» frequently signified «to wait upon somebody»²⁷. A student of the original text, the scribes feared, might for a brief moment conceive the idea of God waiting upon Abraham – a danger to be avoided at all cost.

The point is that they could not have undertaken the transposition had the method of *seres* not then existed²⁸. For though they wrote «but Abraham stood yet before the Lord», they did want the verse to be understood in its original sense, «but the Lord stood yet before Abraham»: it was no part of their intention to interfere with the meaning, they only wished to eliminate the chance of a blasphemous thought, however transitory, which the original diction might evoke. But this shews that they relied on interpretation by *seres* or ἀναστροφή. The matter, by the way, is clearly of a *haggadic* character. It is interesting that our modern translations still accept the reversed order: «but Abraham stood yet before the Lord».

That the concept of *seres* is descended from the Alexandrian ἀναστροφή there can be no doubt. The question arises whether the Hebrew term is a translation of the Greek, and the answer is in the affirmative. *Seres*, though its original meaning is «to castrate», may also denote «to turn upside down», «to turn round», «to remove something from its place»²⁹. It is a reasonable equivalent of ἀναστροφή.

But there is more evidence to prove the connection. The verb *seres* does not occur in Biblical language. *Haphakh*, however, which the later Rabbis sometimes treat as synonymous³⁰, does occur; and in the Book of Judges, the Septuagint

²⁶ My father points out to me that further support may be derived from 18.33, where we are told that, after the discussion with Abraham, «the Lord went his way». The implication is that God had not departed together with the angels but had stayed for the discussion; and, accordingly, 18.22 ought to read «but the Lord stood yet before Abraham».

²⁷ E.g. Gn 41.46.

²⁸ It is significant that other types of textual alterations by the scribes are earlier than this one. In Mekhilta on Ex 15.7, where most of the others are enumerated, the re-writing of Gn 18.22 is not yet mentioned. On the other hand, it is the re-written text which appears in the Septuagint; this raises an intricate problem, which, however, we cannot here pursue.

²⁹ Mishnah Nid. 3.5, «If the embryo came out upside down (with feet foremost)»; Lv Rabba on 10.9, «Bath-sheba, angry with Solomon, turned him this way and that way»; Mekhilta on Ex 23.16, «The three festivals must not be removed even during the sabbatical year».

³⁰ E.g. Tanhuma on Gn 49.4.

twice renders it by ἀναστρέφειν³¹. It might be asked why Josiah (or whoever introduced *seres*) preferred *seres* though it was a less common word than *haphakh*. To which the most likely answer is that he preferred it because it was less common and, above all, not yet, like *haphakh*, in technical use for another method of interpretation.

II. Problems of σύνθεσις and διαίρεσις and *bekhrea*³²

The Rabbis – or some of them – claim that there are about half a dozen words in the Bible which, contrary to the rules of grammar, should be connected both with what precedes them and with what follows them.

One example is the word «forgiveness» (or «lifting up» or «acceptance») in God's warning to Cain³³. In English, we must substitute a whole phrase: «there shall be forgiveness»³⁴. The grammatical translation of the warning runs: «If thou doest well, there shall be forgiveness (lifting up, acceptance); if thou doest not well, the sin lieth at the door and unto thee shall be his desire and thou shalt rule over him». The Rabbis understand the verse in this way: «If thou doest well, there shall be forgiveness; there shall be forgiveness if thou doest not well; the sin lieth at the door» etc. God, that is, told Cain that, if he behaved decently to Abel, his evil thoughts would be pardoned; but even if he killed his brother, he would still retain a chance of pardon – even then victory over sin by repentance would be possible.

The interpretation goes back at least to the middle of the 2nd century A.C. It may be much earlier. Issi ben Judah knew it³⁴. The Aramaic version of Onkelos evidently accepts it. It renders the verse as follows: «If thou doest thy work well, thou shalt be forgiven; but if thou doest not thy work well, for the day of judgment the sin is laid up, ready to take vengeance upon thee if thou doest not repent; but if thou repentest, thou shalt be forgiven».

The expression «and there shall be rising» (in Hebrew one word) towards the end of the Pentateuch³⁵ offers another illustration. Grammatically, it is clear that we must translate: «And the Lord said to Moses, Behold, thou shalt be sleeping with thy fathers; and there shall be rising this people and whoring after the gods of the strangers». But according to the Rabbis, we ought to connect «and there shall be rising» both with what precedes it and with what follows it:

³¹ 7.13, «A cake of barley overturned the tent», and 20.39 (41), «The men of Israel retired in the battle».

³² Gn 4.7.

³³ Several more changes are needed in English to bring out the point; but as they are of little interest, I shall not here list them all.

³⁴ Mekhilta on Ex 17.9.

³⁵ Dt 31.16.

«Behold, thou shalt be sleeping with thy fathers and there shall be rising; and there shall be rising this people and whoring» etc. The point is that, on this basis, God predicted not only the faithlessness of Israel – «and there shall be rising this people and whoring after the gods of the strangers» – but also the resurrection of Moses – «thou shalt be sleeping with thy fathers and there shall be rising».

In this case we can trace the interpretation back to the end of the 1st century A.C. Gamaliel II used it for proving the resurrection of the dead to the Sadducees, and Joshua ben Hananiah for proving it to the Romans³⁶. Students of the New Testament know how urgent at that time was the question of Scriptural evidence for this doctrine³⁷.

The two instances quoted both concern *baggadha*, matters of ethics, faith, history or the like. In fact, wherever in Rabbinic literature this mode of interpretation is considered *ex professo*, none but *baggadhic* applications are mentioned. Nevertheless, occasionally at least, even *halakhic* decisions, decisions respecting law or ritual, were made with its help.

If a man dies without issue and his brother refuses to marry the widow, then, according to a Biblical statute, the woman «shall loose his shoe from off his foot and spit in his face and say, Thus shall it be done unto the man that will not build up his brother's house»³⁸. The Rabbis hold that the formula «Thus shall it be done» etc. must be spoken in Hebrew; and one of them, Judah ben Elai – who flourished about the middle of the 2nd century A.C. – supports this opinion by construing the particle «thus» as belonging to the clause preceding it as well as to that following it: «She shall say thus, Thus shall it be done» etc. More precisely, for him, the statute lays down that «she shall say thus», which means that she must use the exact Hebrew formula. Yet the word «thus» is also the opening of that formula: «Thus shall it be done unto the man» etc.³⁹.

The same teacher employs the same method in dealing with the question whether a Passover-offering may be slaughtered for one person. He decides that there must be several participants, invoking the commandment: «Thou mayest not sacrifice the passover within any of thy gates... but at the place which the Lord shall choose, there thou shalt sacrifice the passover»⁴⁰. Manifestly, he reads *b'hdh* twice. He connects it with what precedes, in the sense of «for one (person)» and with what follows, in the sense of «within any». Hence he obtains: «Thou

³⁶ Bab. Sanh. 90b.

³⁷ Mt 22.31 f., Mk 12.26 f., Lk 20.37 f.

³⁸ Dt 25.9. I have argued elsewhere (*Consortium in Roman and Hebrew Law*, in *Juridical Review* 62, 1950, pp. 71 ff.) that the case originally contemplated by the Biblical provision was a *consortium* of coheirs.

³⁹ Mishnah Sot. 7.4.

⁴⁰ Dt 16.5.

mayest not sacrifice the passover for one (person), within any of thy gates... but at the place» etc.⁴¹.

It may not be accidental that the only other *halakhic* use of the method I have come across is due to the son of Judah ben Elai, R. Jose⁴². He doubles the phrase (in Hebrew one word) «and their meal offering shall be» in the provision: «Ye shall offer two bullocks, they shall be without blemish; and their meal offering shall be flour mingled with oil»⁴³. In other words, he interprets: «Ye shall offer two bullocks, they shall be without blemish and their meal offering shall be; and their meal offering shall be flour mingled with oil». The result is that the requirement of blemishlessness, which if we go by the natural sense applies only to the animals, is extended to the accompanying meal offering. It, too, would be invalidated by any flaw, say, by the oil being rancid.

The usual technical description of a word which should be referred both to what precedes and to what follows is «a word without a *bekhrea*» – in English: «a word as to which there is no tipping of the balance» or «a word without an adjudication». The idea seems to be that, whenever the sense connection of a word is to be established, various clauses contend for it and it is our task to weigh their claims and decide between them. In about half a dozen cases, however, no such decision can or ought to be made. There is no *bekhrea*; and, consequently, the word in question should be interpreted as going with both sides.

It may be recalled that the verb *hikbria*, «to tip the balance», «to adjudicate», occurs in the 13th of R. Ishmael's hermeneutic norms, which deals with antinomy⁴⁴: «Two Scriptural passages may contradict one another until a third one comes and tips the balance, adjudicates, between them». A hundred years earlier, Philo had represented Moses as faced by two antinomies⁴⁵. In commenting on the first, which (for Philo) consisted in the clash of a law with pity and justice⁴⁶, he had compared Moses to one «oscillating, ἀντιρρέπων, on a balance – pity and justice lay as a weight, ἐταλάντευεν, on one scale, the law of the sacrifice as a counterpoise, ἀντέβριθεν, on the other». In expounding the second⁴⁷ he had

⁴¹ Mishnah Pes. 8.7, Bab. Pes. 91a.

⁴² Mishnah Men. 8.7.

⁴³ Nu 28.19 f.

⁴⁴ Introduction to Siphra.

⁴⁵ Moses 2.41.221 ff.

⁴⁶ The reference is to the incident recorded in Nu 9.6 ff. On the one hand, a person defiled by a corpse may not take part in the celebration of the Passover. On the other, a person who has buried a near relation has only fulfilled a duty. What is to be done about a man unclean at the time of the Passover in consequence of a burial?

⁴⁷ This is taken from Nu 27.1 ff. On the one hand, an inheritance may pass only in the male line. On the other, children ought to preserve the reputation and property of a good father. What should be done where a good father leaves only daughters?

used expressions like «the mind inclining to both sides», ἀμφικλινῶς. The conflicts were both resolved by God, who, availing himself of unerring tests, κριτήρια, pronounced his decision, κρίσις.

Once or twice, however, we find the term *be'sse'a*: «distraction»⁴⁸. It is difficult to say whether it is used in the general sense of «entertainment» – the half a dozen cases being looked upon as amusing puzzles⁴⁹ – or in a definitely philological sense, «diversion of a phrase from one connection to another». The latter would be an apt characterization of this particular method of exegesis: a word grammatically belonging to one clause is assigned to another as well.

What is the background of this method? One of the oldest functions of the scribes was to settle the proper division between sentences, portions of sentences and words. This was no easy work, since the ancient texts were without much visible punctuation. No one will appreciate this better than Professor Lewald to whom these pages are dedicated, and whose editions of difficult papyri command the admiration of the scholarly world.

But even when a measure of agreement as to periods, clauses and words had been reached, there remained a good many problems concerning the exact way in which they were related. It might be doubtful with which of several nouns a pronoun or verb was to be joined. If a man allows his cattle to feed in another man's field, he must, the Bible ordains, «make restitution according to the best of his field»⁵⁰. Does this mean «according to the best of the offender's field» or «according to the best of the wronged party's»⁵¹? Again, a genitive might be of subjective, objective, descriptive or conjunctive force. The case of *Amor Dei* is famous. In the statement «he that is hanged is a curse of God»⁵², some interpreters regard the genitive as subjective. The Septuagint thinks of «a curse by God»; it translates κεκατηραμένος ὑπὸ Θεοῦ πᾶς κρεμόμενος. R. Meir assumes «a curse which God has» in the sense that, when a man suffers, God suffers with him⁵³. For other scholars, however, the genitive is objective: the hanging of a man means «a curse against God» because it involves the despising of one created in God's image⁵⁴. Paul is deliberately ambiguous. He quotes ἐπικατάρατος πᾶς ὁ κρεμόμενος⁵⁵, omitting «of God» and thus leaving the question open.

Two other factors are of greater relevance. First, while the division between

⁴⁸ Pal. Ab. Zar. 41c.

⁴⁹ Mishnah Ab. Zar. 2.5, on which Pal. Ab. Zar. 41c is a commentary, speaks in favour of this alternative: «R. Joshua ben Hananiah diverted R. Ishmael to another topic», *bisfi'o*.

⁵⁰ Ex 22.4 (5).

⁵¹ See Mekhilta *ad loc.*

⁵² Dt 21.23.

⁵³ Mishnah Sanh. 6.5.

⁵⁴ Jer. Targum *ad loc.*, Tosephta Sanh. 9.7.

⁵⁵ Gal 3.13.

words came to be regarded as inspired, that between clauses and sentences never received full recognition as an integral quality of the Scriptures. Actually, under Rabbinic law, a scroll with clauses or sentences marked off from one another was – and still is – invalid for official, liturgical purposes⁵⁶. Underlying this attitude is the primitive notion of speech as consisting of words and nothing else. Even nowadays such punctuation as there is in a British statute – and there is very little – does not, in principle, count as an inherent element of it; certainly no account need be taken of the punctuation inserted in the printed copies. Marginal notes and punctuation in the latter are «appendages which, though useful as a guide to a hasty inquirer, ought not to be relied upon in construing an Act of Parliament»⁵⁷. More sweepingly, Sir Roland Burrows asserts that «punctuation and other marks of emphasis are not part of the English language»⁵⁸.

The modern philologist's concept of language is less narrow; nor should it be thought that there are no adumbrations of it in Rabbinic literature. The modern concept includes punctuation, pitch and many other things: we are aware that, according to its context and intonation, the term «scoundrel» or *Lump* may express affection or contempt. In fact our present-day theory may have reached a stage where too much weight is attached to those components of speech which are not lexical.

Secondly, in the eyes of the Rabbis, the Bible, since it enshrined the wisdom of God, contained various layers of meaning. (Needless to say, it often does.) A word might have an ordinary sense and one or two allegorical senses at the same time. A statement might be both a record of a past event and a prophecy of a future one⁵⁹. It is hardly surprising that, from a certain date, such stratification was assumed not only in the vertical but also in the horizontal. It was found, that is, that without in any way opposing the agreed and natural division of the text, one might extract additional meanings from different divisions.

The Bible tells us that when Jacob wanted to obtain the blessing due to his elder brother, his blind father asked him: «Who art thou?». Whereupon Jacob replied: «I (am) Esau thy firstborn»⁶⁰. R. Levi, about A. D. 300, suggests a pause after the first word: «I, Esau (is) thy firstborn»⁶¹. If read in this fashion,

⁵⁶ Sopherim 3.7.

⁵⁷ Claydon v. Green (1868), L. R. 3 C.P. 511, at p. 522; 37 L.J.C.P. 226, at p. 232, Willes, J.

⁵⁸ Interpretation of Documents, 2nd ed., 1946, p. 53.

⁵⁹ See Mekhila on Ex 15.1, «Then sang Moses», which may also be translated by «Then Moses will sing» – another Scriptural proof of the resurrection of the dead.

⁶⁰ Gn 27.19.

⁶¹ Gn Rabba *ad loc.* The Hebrew here used for «I», *'anokhi*, also opens the Ten Commandments. So R. Levi represents Jacob as referring to his future acceptance of the Mosaic Law.

the answer was not a direct lie. We must not, however, infer that R. Levi wishes to attack the traditional construction of the clause. He is satisfied with shewing that, while according to its natural meaning Jacob told an untruth, there is a division by which he may be exonerated.

Another example brings us very near the particular method of interpretation with which we are concerned. The Day of Atonement, the Bible says, is instituted «that, from all your sins, before the Lord ye may be clean»⁶². Eleazar ben Azariah, about A. D. 100, explains the verse as meaning «that, from all your sins before the Lord, ye may be clean»⁶³. He connects «before the Lord» with «your sins» instead of with «ye may be clean». The teaching he wishes to convey is that the elaborate ceremonies of the Day of Atonement may indeed ensure forgiveness for sins committed against God; but as regards sins committed against a fellow-creature, they will be wiped out only if one does one's best to appease him. Once again it is unlikely that the Rabbi intends to overthrow the accepted division: «that, from all your sins, before the Lord ye may be clean». He merely points out that, by following a different division, a further, deeper meaning may be detected. A divine utterance, besides comprising several meanings one beneath the other, might comprise several meanings one at the side of the other. Strictly, Eleazar's interpretation does involve an absence of *hekbrea*^c. The words «before the Lord» incline to both sides, and we may almost read: «that, from all your sins before the Lord, before the Lord ye may be clean».

In Greek syntax, the assignation of a word to what precedes it or what follows it comes under the problems of σύνθεσις and διαίρεσις. Aristotle instances the declaration: ἐγὼ σ' ἔθηκα δοῦλον ὄντ' ἐλεύθερον⁶⁴. If ὄντ' is read together with δοῦλον, the meaning is «I have made thee from a slave into a free man»; if with ἐλεύθερον, the meaning is the reverse, «I have made thee into a slave from a free man». (An imperfect English version of the puzzle would be «Free I have made thee, a slave» over against «Free, I have made thee a slave».) In the abstract, either of the two interpretations makes sense. In an actual situation, only one of them would be correct – though the sophists, whom Aristotle is trying to refute, would advocate either the unsuitable division or even both at once. In the latter case a paradox would result, resting – if we use the Rabbinic terminology – on a lack of *hekbrea*^c. The same happens, for example, if the statement ἔσται ἀγαθὸς σκυτεὺς μοχθηρὸς is taken to mean «a good cobbler may be a bad cobbler» – σκυτεὺς being connected with both the preceding

⁶² Lv 16.30.

⁶³ Mishna Yom. 8.9.

⁶⁴ Soph. El. 4.7.

attribute and the following attribute; whereas the reasonable meaning is either «a good man may be a bad cobbler» or «a good cobbler may be a bad man»⁶⁵.

Another of Aristotle's illustrations is πεντήκοντ' ἀνδρῶν ἑκατὸν λίπε δῖος Ἀχιλλεύς: «Fifty (only), out of a hundred men, Achilles left alive»⁶⁶. The sophists, however, would prefer: «Out of fifty men, a hundred Achilles left alive». Quintilian has the rendering: *Quinquaginta ubi erant centum inde occidit Achilles*⁶⁷. Does it mean «Fifty, where there were a hundred, slew he», or «Fifty where there were, a hundred slew he»? The substitution of «he killed» for «he left alive», by the way, should not be imputed to faulty memory or any cause of this sort. The line was discussed for centuries. It was a popular riddle, and no doubt somebody pointed out that the sense – or nonsense – would remain unchanged even if λίπε was replaced by its opposite, κτάνε. One can imagine the old logicians debating whether the object was different if governed by «he left alive» or by «he killed»: it was πεντήκοντα in either case but, surely, those left alive and those killed could not be identical.

Quintilian also records a «controversy» turning on *collocatio*. A man in his will ordered *poni statuam auream hastam tenentem*. It would make an enormous difference to his heir whether *auream* belonged to *statuam*, so that the statue must be of gold, or to *hastam*, so that only the spear need be of gold.

The writings of Heraclitus, in the opinion of Aristotle and others, were full of obscure divisions⁶⁸. Plato once represents Socrates as imitating the sophists and mockingly advocating a wrong division in a poem by Simonides⁶⁹. The famous oracle concerning Arcadia begins: «Arcadia thou askest from me. Too great a thing thou askest not to thee shall I give it». I seem to remember that some ancient commentator finds the division dubious: we may interpret «Too great a thing thou askest not, to thee shall I give it», or «Too great a thing thou askest, not to thee shall I give it». But my memory may deceive me. In the sources usually listed⁷⁰, only the subsequent section of the oracle, which deals with Tegea, is declared ambiguous. The first line is invariably treated as a straightforward refusal: «Too great a thing thou askest – not to thee shall I give it».

The pro-Homeric and anti-Homeric parties both paid attention to σύνθεσις and διζήσεις. In the chapter of his Poetics which he devotes to a defence of Homer, Aristotle mentions that some criticisms may be rebutted by adopting a

⁶⁵ Soph. El. 20.7.

⁶⁶ Soph. El. 4.7.

⁶⁷ I.O. 7.9.8.

⁶⁸ Rhet. 3.5.6.

⁶⁹ Prot. 345d ff.

⁷⁰ E.g. Parke, *History of the Delphic Oracle*, 1939, p. 110, n. 1.

better division⁷¹. Curiously, instead of adducing an example from Homer, he quotes Empedocles: τὰ πρὶν μάθον ἀθάνατα ζωρά τε πρὶν κέρητο. The problem is whether «those aforetime pure commingled» or whether «the pure ones aforetime commingled».

An example from Homer is preserved in Athenaeus. The ancient experts held – rightly or wrongly – that in Homer's era the tables were carried out of the dining-room, not immediately at the end of a meal, but only when the diners had left. There is, however, a passage in the Iliad⁷² which the enemies of the poet interpreted as follows: «Achilles had just ceased from meat, he was eating and drinking still; the table stood by his side». This implied, they argued, that as soon as the eating and drinking was over, the tables would be taken away – a slip on Homer's part⁷³.

We know of three ways in which the attack was met. One was to declare the offending line spurious⁷⁴. Aristarchus, who adorned the court of Ptolemy Philopator, rejected the words «he was eating and drinking still; the table stood by his side». It is true that his main reason was the metre. Others maintained that this was a case for special pleading. Homer, they submitted, was making a subtle point. Achilles was in mourning. Therefore he did not want the table any longer than was absolutely necessary, he did not want the room to look as if a banquet were going on. The third defence only is here of direct interest. Some scholars made the pause before «still» instead of after it. They read: «Achilles had just ceased from meat, from eating and drinking; still the table stood by his side». Divided in this manner, the passage was unimpeachable. The meal was over, yet the table remained: Homer committed no mistake. Modern authorities, incidentally, seem all to adhere to this division, though on other grounds.

The students of Virgil posed the same questions and employed the same solutions as those of Homer. Virgil tells us how Troilus, fallen backward from his chariot, «holds the reins yet his neck and hair are dragged over the ground»⁷⁵. The line, we learn from Quintilian⁷⁶, was regarded as problematic. Does it mean that «he holds the reins yet (i.e. lifelessly) – his neck and hair are dragged

⁷¹ 25.19.

⁷² 24.475 f.

⁷³ Deipn. 1.12a f. Gulick, Athenaeus (in The Loeb Library) 1, 1951, p. 53, translates: «The notion that the tables were removed is seemingly refuted by the verse». But the right translation is: «The notion that the tables were not removed» etc. The Greek has μὴ ἀρῆσθαι. Gulick, whose work in general is excellent, has here taken over an error from earlier Latin versions of Athenaeus.

⁷⁴ Interpolationism has a long and respectable history.

⁷⁵ Aen. 1.477 ff.

⁷⁶ I.O. 7.9.7.

along» or that «he holds the reins (i.e. he has enough strength left to do that) – yet his neck and hair are dragged along»?

If we compare the Rabbinic cases with the Greek and Latin ones, two differences emerge. In the first place, whereas in the Greek and Latin ones, from the formal point of view, the word in question readily goes with either what precedes it or what follows it, in the majority of the Rabbinic cases, only one division accords with good grammar. In the testamentary direction *poni statuam auream hastam tenentem*, formally, it would be just as correct to read *statuam auream – hastam tenentem* as *statuam – auream hastam tenentem*. By contrast, in the verse «thou shalt be sleeping with thy fathers and there shall be rising this people and whoring after the gods of the strangers», only one division is grammatically feasible: «thou shalt be sleeping – and there shall be rising this people and whoring». It would be impossible to read: «thou shalt be sleeping and there shall be rising – this people and whoring».

In the second place, with the probable exception of the sophists, a Greek or Latin grammarian would normally plump for one of the two alternatives. He would argue either for *statuam auream – hastam tenentem* or for *statuam – auream hastam tenentem*. The Rabbis in the half a dozen cases without *hekbrea*^c connect the word both with the preceding and with the following clauses at the same time. The verse just quoted is declared to mean: «thou shalt be sleeping with thy fathers and there shall be rising – and there shall be rising this people and whoring».

To put it briefly, in the Greek and Latin cases, we must decide, in Quintilian's words, *quid quo referri oporteat*, «which phrase should be attached to which clause», though the decision may be difficult «where a phrase standing in the middle may be drawn to either side». But we must give our verdict one way or the other. In most of the Rabbinic cases, it cannot be said that «the phrase may be drawn to either side»; grammar as such leaves us no choice. Nevertheless it is treated as if it appeared twice.

None of the familiar Greek or Latin ἀπὸ κοινού constructions are as extreme as the Rabbinic figure of absence of *hekbrea*^c. To be sure, several of them approach it – if we rely on the interpretation of some modern philologists⁷⁷.

Take the statement by Heraclitus: «Of this reason constant forever without understanding men come into being». Some modern authorities believe that «forever» is intended to qualify «constant» as well as «without understanding men come into being»: we ought to paraphrase «Of this reason constant for-

⁷⁷ E.g. Stanford, *Ambiguity in Greek Literature*, 1939, p. 59. I am grateful to my friend, Professor D. Wormell, of Trinity College, Dublin, for drawing my attention to this valuable study.

ever, forever without understanding men come into being». Again, Horace says: *Optat ephippia bos piger optat arare caballus*, «The horse's trappings desires the ox from laziness to plough desires the horse»⁷⁸. There are critics who think that «from laziness» characterizes the conduct of both the ox and the horse. Similarly, where Horace addresses the ship *quae tibi creditum debes Vergilium finibus Atticis reddas incolumem*⁷⁹, *finibus Atticis* is held to be governed both by *debes* and by *reddas*.

If it were established that the passages must be understood in this way, we should still have no exact parallel to the Rabbinic scheme – above all, because even in these texts each of the two divisions contemplated would conform to the rules of grammar. But at least we should have something fairly close. The trouble is that it is not established. With regard to Heraclitus, Aristotle remarks that «it is uncertain to which side ἀεί (forever) should be allotted by punctuation»⁸⁰. On the second passage from Horace, Porphyrio notes: «It is doubtful whether we should read *debes finibus Atticis* or *finibus Atticis reddas*». Aristotle and Porphyrio, then, though realizing the ambiguity, assume that the word or phrase in question must be taken either with what precedes or with what follows. The solution of taking it with both, ἀπὸ κοινού, does not occur to them. It would be rash if we regarded it as more than a possibility.

One case may deserve special mention. Paul assures the Romans «that without ceasing I make mention of you always in my prayers making request if I might come unto you»⁸¹. The phrase «always in my prayers» is mostly assigned to the preceding portion, though some scholars assign it to the following. When we consider how often Paul is caught up by a second thought while still giving shape to the first, we cannot exclude some kind of scheme ἀπὸ κοινού. But it would be due to haste and emotion rather than stylistic refinement, and, therefore, would have little bearing on the question of Alexandrian and Rabbinic concepts of syntax and interpretation.

As far as the mere, natural division of Scripture into periods, clauses and words is concerned, it would be wrong to postulate Greek influence. The beginnings of this work are as old as the oldest parts of the Bible. There is no piece of literature, however primitive, which does not necessitate division, an effort to follow the author's ideas and their relation. The scribes from Ezra onwards only continued in a more thorough fashion what must have been done many hundreds of years before by those who first received the Mosaic revelation.

This is not to rule out Alexandrian influence on, say, the nomenclature used

⁷⁸ Ep. 1.14.43.

⁷⁹ Od. 1.3.5 ff.

⁸⁰ Rhet. 3.5.6.

⁸¹ 1.9 f.

by the scribes or Rabbis. It is quite possible – though not certain – that the term *peseq* (or *pissuq*) *te'amim*, «division of clauses», but more literally, «division of reasons, arguments», is a translation of διαίρεσις λόγων or λόγοι διηρημένοι⁸².

When, however, we come to a highly developed method of interpretation like the assumption of words as to which there is no *bekbrea'*, no «turning of the scale», no «adjudication», or as to which there is *he'sse'a*, «distraction», the likelihood of borrowing from Hellenistic sources is very strong. The method was introduced, we saw, in the first two centuries A.C. In an article already mentioned⁸³ I argued that the whole Rabbinic system of exegesis initiated by Hillel about 30 B.C. and elaborated by the following generations was essentially Hellenistic; and in the first part of the present article, concerning ἀναστροφή and *seres*, attention is drawn to the Alexandrian model of a particular Rabbinic method. Surely, interpretation by claiming absence of *bekbrea'* or presence of *he'sse'a* was stimulated by Greek speculations about σύνθεσις and διαίρεσις.

I have not – so far – been able to discover any Greek terms of which *bekbrea'* or *he'sse'a* would seem to be renderings. There may be no such terms: the Rabbis were perfectly capable of making independent additions to their vocabulary. The expression «lack of *bekbrea'*» is somewhat reminiscent of Greek uses of ἀμφιρρεπής, ἀρρεπής, διαρρεπής, ἰσορρεπής, ἀντιρρέπειν,⁸⁴ ταλαντεύειν, ἀντιβρίθειν, καταβρίθειν, ἀμφικλινής, ἀδιάκριτος, ἀδιάληπτος⁸⁵. As for *he'sse'a*, one might find a clue by going into the applications of such words as ἀπάγειν⁸⁶, δάγειν, περιάγειν⁸⁷, παρατρέπειν⁸⁸, ἔλκειν⁸⁹, περιέλκειν, ἀντισπᾶν⁹⁰, προστιθέναι⁹¹, στρέφειν, ἐπιστρέφειν and μεταστρέφειν⁹².

⁸² Bab. Meg. 3a, Ned. 37b, Aristotle, Soph. El. 4.7. A concept like *siddur shennehelaq*, «the context that is disrupted (by a disjunctive accent)», also deserves attention in this connection.

⁸³ Rabbinic Methods of Interpretation and Hellenistic Rhetoric, in Hebrew Union College Annual 22, 1949, pp. 239 ff.

⁸⁴ For this and the following few words see Philo's discussion of the two antinomies which Moses submitted to God.

⁸⁵ See Plato, Prot. 346c.

⁸⁶ In the Septuagint *hilli'* appears as ἐπάγειν (Lv 22.16, Pr 26.11, Sir 4. 21) or λαμβάνειν (II Sam 17.13), but the sense is quite different from that here under discussion.

⁸⁷ Cp. περιαγωγή in Plutarch, Mor. 407.26c.

⁸⁸ See Plutarch, Mor. 407.26c.

⁸⁹ In Greek Anthology 7.128, Heraclitus complains: «Why do you draw me this way and that way?». This need not, of course, exclusively refer to the difficulties of *collocatio* for which he was notorious. Cp., however, *trahere* in Quintilian, I.O. 7.9.7. According to Philo, Moses 2.43.236, Moses approved of the request of the daughters of Zelophehad, but was at the same time «drawn» by another consideration.

⁹⁰ See Philo, Moses 2.43.237.

⁹¹ Cp. προσελίσθαι in Aristotle, Rhet. 3.5.6.

⁹² I am indebted to Professors F. S. Marsh of Cambridge and A. Cameron of Aberdeen for valuable criticism.

12.

PALESTINIAN JUDAISM IN THE FIRST CENTURY

MORTON SMITH

"R. Simeon the son of R. Jehoşadak asked R. Samuel bar Nahman, 'Since I hear you are an expert in homiletic exegesis, tell me, whence was light created?' He replied, 'The Holy One, blessed be He, wrapped himself in it [i.e., the light] as in a white garment, and the splendor of his glory shone from one end of the world to the other.'"

This saying from *Bereshit Rabba*¹ might serve as an allegorical history of ancient Christianity: the God of ancient Israel clothed himself in the white garment of a Greek philosopher and became "the light of the world."

But might it not also be a history of ancient Judaism? Did not Judaism, in the same period, undergo the same Hellenization to achieve a similar expansion? Here we enter upon controversial ground.

With regard to Diasporic Judaism, there is no doubt of the Greek garment; the question is whether the deity whom it clothed was still the God of ancient Israel. Into this question we shall not enter.

As to Palestinian Judaism, there is no serious doubt that the deity was still the God of ancient Israel, but the notion that he was ever clothed in a Greek garment is a matter of dispute. This dispute concerns not only the concept of the deity, but the entire picture of

¹ *Bereshit Rabba* 3:4, ed. Theodor, pp. 19 f.

ancient Palestinian Judaism. It goes even so far as to call into doubt the classical distinction between Palestinian and Diasporic Judaism. It asks whether this contrast does not reflect the present differences between two bodies of source material (the Rabbinic and the Diasporic) rather than the ancient differences between those parts of Judaism which the sources describe. If our reports were written by extremists from the two ends of Judaism (and handed down by groups even more extreme than the writers), they may be describing the same thing in different terms, and the classical dichotomy may be due to our ignorance of the ancient average, middle ground.

Some aspects of Diasporic Judaism suggest this: Marcel Simon, in his book, *Verus Israel*, has recently emphasized that the Jews of the Diaspora gave up the Septuagint for Aquila's Greek translation of the Old Testament—a change of immense significance, since it shows that they were willing to sacrifice the superior Greek style of the Septuagint in order to get a text of which the only advantage was that it preserved the peculiarities which justified Rabbinic exegesis. Harry Wolfson, in his monumental *Philo*, has demonstrated the amazing extent of agreement between Philo and the Rabbis. There is no doubt that the picture of Judaism derived from the Roman imperial inscriptions and from the remarks of classical authors agrees in its main outlines with the picture derived from Rabbinic literature.

Now this evidence of Rabbinic influence in the Diaspora is more than matched by evidence from Palestine that Judaism there was profoundly influenced by Hellenism. Just at present, the most famous body of such evidence is composed of the documents newly discovered near the Dead Sea. It is too early to attempt any detailed interpretation of these, but they certainly show many parallels with the thought of Hellenized Jews like Paul, and they prove conclusively that Greek books were in the library of this extremely legalistic, ultraconservative Jewish community. Hardly less famous are the archaeological discoveries, especially of Bet Shearim and of the synagogues. Bet Shearim was the most famous burial ground of Rabbinic Judaism. Its remains show that it was freely adorned with drawings and, less freely, even with statues carved in relief, that most

of the inscriptions written there were in Greek, and that some of them contained such commonplaces as, "Be of good courage, no one is immortal." The synagogues show us a similar use of animal and human forms in high relief, and tell us that the human and, sometimes, the animal forms were later chipped away, but carefully, so that the rest of the carving would not be damaged. They show us, further, the use of conventional representations of the pagan sun god as the central ornament in the mosaic floors of a number of synagogues. This ornamentation has been known for some time, but its significance was not demonstrated until Erwin Goodenough, in his epoch-making *Jewish Symbols in the Greco-Roman Period*, pointed out the amazing parallels between these synagogue floors and the magical amulets on which the sun god frequently appears with the titles *Iao* (i.e., YHWH) and *Sabaoth*. These parallels, in turn, enabled Professor Goodenough to make an extremely strong case for his identification of Jewish sources in many sections of the magical papyri, so that we are almost forced to accept as a product of Judaism an invocation of Helios in which he is hailed as "first and most happy of aeons and father of the world."

This identification of source material is a fascinating but hazardous business which has added a great deal, if not to our absolute knowledge, at least to our plausible guesses, about the varieties of ancient Judaism. Since our concern is the Hellenization of Palestinian Judaism, we shall pass over works of doubtful origin, like the Jewish material found by Wilhelm Bousset in the Apostolic Constitutions, and turn our attention to the undoubtedly Jewish and probably Palestinian sources of many of the pseudepigraphic writings preserved by Christians. The Ascension of Isaiah contains a source from the time of Herod the Great which shows us a group of prophets living in the wilderness beyond Bethlehem, going naked, eating herbs only, and denouncing Jerusalem as Sodom. Such asceticism is certainly not in the Israelite tradition. The Assumption of Moses contains a similar denunciation of the priesthood of the Second Temple and calls its sacrifices vain, but has great reverence for the Temple itself. It also denounces a group of rulers who claim to be just, but who will not let common people touch them for fear of

pollution, and who devour the goods of the poor. Other such examples could be found, but enough has been said to show that this evidence requires a careful revision of the common notion that Palestinian Judaism was substantially free of Hellenistic influence.

The first step in estimating what the Hellenistic influence actually was is to determine the extent of the use of Greek. The preponderance of Greek in the inscriptions at Bet Shearim has already been noted. They show us the state of affairs from the late second century on. For the first century, we get most information from the Jewish ossuaries, on which about a third of the inscriptions are in Greek. For the yet earlier period, the evidence has been summed up by William F. Albright, who is an ardent advocate of Aramaic influences, but who admits in his *Archaeology of Palestine* that there was a real eclipse of Aramaic during the period of the Seleucid Empire. He remarks that scarcely a single Aramaic inscription from this period has been discovered except in Transjordan and Arabia, and that inscriptions in Jewish Aramaic do not appear until the middle of the first century before the Common Era.

It used to be argued, however, that observant Jews kept themselves apart from this Hellenized world around them, and either knew no Greek at all or, at least, knew no Greek literature, so that their thinking about religion was not touched by Greek influence. This notion, however, has now been completely refuted by the works of Saul Lieberman, *Greek in Jewish Palestine* and *Hellenism in Jewish Palestine*, which have demonstrated, once for all, that many Jews in Rabbinic circles not only knew Greek, but read the Bible in it and prayed in it. Further (and of even greater significance), they have demonstrated that the terminology for at least one of the most important forms of Rabbinic legal exegesis is derived from the Greek name for the same sort of argument: *gezera shawa* translates *sunḡ-risis pros ison*. Since even here, in the Holy of Holies of legal exegesis, so basic a term could be taken from Greek, it seems only plausible to suppose that the amazing string of parallels to Greek exegetic and scribal procedures, which Professor Lieberman also demonstrates, was due largely to Hellenistic influence. So we must suppose that early in its history the scribal study of the Law under-

went a period of profound Hellenization. This supposition would accord with the archaeological evidence for the extreme Hellenization of Palestine during the later Persian and Ptolemaic periods, and with the belief that the upper classes of the priesthood, which then controlled the exposition of the Law, were particularly Hellenized. Perhaps it should be remarked in passing that Ben Sira made foreign travel for the purpose of study a duty of the good scribe. His opinion is clearly in accord with the practice of many Hellenistic philosophers.

We conclude, then, that Palestine in the first century was profoundly Hellenized and that the Hellenization extended even to the basic structure of much Rabbinic thought. This requires us to reconsider the question: How were those first-century Rabbis, who appear as authorities in Rabbinic writings, related to the whole of Palestinian Judaism? What part in the general history of the times did they and their scholars play?

First of all, it must be said that they were not unopposed. The Palestinian Talmud reports that at the time of the Exile there were twenty-four sorts of heretics in Palestine. Whatever the heretics believed, they certainly did not agree with the Pharisees and they almost certainly claimed to be Jews. Many of them were probably Jewish Christians, and certain Christian writers (especially Justin, Eusebius, and Epiphanius) tell us something of their many varieties.

Nor was Jesus the only religious leader whose followers established separate sects. John the Baptist also started a sect: some of his followers did not transfer their loyalty to Jesus, but maintained that John had been the true prophet, Jesus the false. Jacques Thomas, in his careful study, *Le Mouvement baptiste en Palestine*, has shown that John's group was only one of a great number of sects—some Jewish, some Christian, and some, perhaps, neither—which flourished in Palestine from the first century on and were characterized not only by the use of washing as a sacrament but also by the adoption of ascetic practices and, frequently, by the belief in a supernatural being who visited earth from time to time, in various incarnations, to reveal the will of God. It should be noticed that this belief appears

very early in Christianity. To Justin, for example, Jesus is not the first appearance of the Logos—it had appeared before, for example, to Abraham at Mamre. A similar belief about John the Baptist was early developed by his followers. Whether Jesus or John actually made such claims it is hard to say, but we have good reason to think that Simon Magus (a Samaritan teacher who also founded a sect and who, like Jesus, is said to have been a disciple of John) actually did claim to be a divine power come down to earth. This divine power was often described as “the true prophet,” and it is probably not insignificant in this connection that both Josephus and Acts tell us of the many prophets who arose in this period and led many astray. They were not insignificant cranks with one or two followers. One of those mentioned by both Josephus and Acts had thousands of followers and was only put down by the Roman forces in a major battle on the Mount of Olives.

Of course, not all baptist sects followed this theological pattern, and John’s group presents similarities also to the Essenes, whom Josephus recognized as Jews, but whose strange practices included not only ritual bathing but the use of secret books filled with magical names and of prayers addressed to the sun. We have already noticed the position which the sun came to occupy in Jewish magic and Jewish synagogues during the fourth century. That magic flourished also in the earlier periods is hardly to be doubted. Most women, according to Tannaitic tradition, practiced magic; and magic, as Professor Lieberman has remarked, was not merely a few superstitious practices, but an actual cult, of which Professor Goodenough has shown the complicated theological ramifications.

At the opposite extreme from the magicians were the Jews who had gone over entirely to Hellenistic rationalism and who were accused of being Epicureans. Whether these were actually members of the clear-cut and hidebound Epicurean school, or merely individuals accused by popular opinion of atheism, we cannot be certain. But there is no doubt that their neighbors in rationalism, the Sadducees, were a definite sect and undeniably Jewish—they furnished many of the high priests and were an important party in the Sanhedrin. Yet they attacked as Pharisaic superstitions the beliefs in angels and

spirits, the life after death, and the divine governance of human events.

Even within the Pharisees there were divisions. We know from Josephus and the New Testament of one sect, the Zealots, which appeared as a separate group early in the first century, when its members embraced doctrines requiring civil disobedience. We know from Talmudic evidence that in the conflict between the houses of Hillel and Shammai the Law became two Laws, and the later tradition which miraculously declared them both the words of the Living God is no less suspicious than the later Christian tradition which brought Peter and Paul into perfect concord.

Finally, Palestine was not devoid of Jews from the Diaspora and these, too, formed separate communities. The only synagogue inscription we have from Jerusalem comes from a Diasporic synagogue in which a Christian preached. Communities of Jews from Alexandria, Babylonia, Tarsus, Cyrene, and Cappadocia are suggested by the funeral inscriptions of Joppa. The Acts lists, as resident in Jerusalem, Jews from Galilee, Parthia, Media, Elam, Mesopotamia, Cappadocia, Pontus, the Roman province of Asia, Phrygia, Pamphylia, Egypt, Cyrenaica, Rome, Crete, and Arabia.

But all these groups which we have discussed so far were undoubtedly minority groups. (A little magic may have been practiced by almost everybody, but the adepts were probably few. As for the Pharisees, their very name—separatists—declares their relation to the whole.) The average Palestinian Jew of the first century was probably the *'am ha-areṣ*, any member of the class which made up the "people of the land," a Biblical phrase probably used to mean *hoi polloi*. There are any number of passages in which the Mishna and Tosefta seem to take it for granted that the average man passing in the street, the average woman who stops in to visit her friend, or the average workman or shopkeeper or farmer is an *'am ha-areṣ*. The members of this majority were not without religion. They certainly did not observe some rules laid down by the Pharisees, and at a later period they were said to hate the Pharisees even more than the gentiles hated the Jews; but they had their own synagogues (though the Pharisees said that anybody who frequented them would come

to an early death), they kept the Jewish festivals, and they even observed some of the more serious purity regulations. So even with them we have not reached the end of the varieties of first-century Judaism, for we have said nothing of the worldly Jews—the Herodians, tax gatherers, usurers, gamblers, shepherds, and robbers (by the thousands) who fill the pages of the Gospels, the Talmuds, and Josephus.

How, then, are we to account for the tradition which makes the Pharisees the dominant group? First, no doubt, by the natural prejudice of the Rabbinic material. This point hardly needs elaboration: the sayings of the Rabbis were, of course, recorded by and for their followers. Even if the sayings were completely unbiased and the record absolutely accurate, the mere concentration of interest in the group concerned would make them bulk out of all proportion to the rest. In the second place, however, there are the statements of Josephus, attributing to the Pharisees a predominant influence with the people. To understand these we must recall the career of Josephus and the situation in which he wrote.

Josephus was a member of the priestly aristocracy and in his later period claimed to have been a Pharisee. Certainly, the alliance of aristocrats and Pharisees which was in control during the early days of the war made him commander of some Jewish forces in Galilee, though Simeon ben Gamaliel, the leader of the Pharisaic group, later tried to have him removed. When his forces were defeated he surrendered to the Romans and hailed Vespasian as the universal ruler whom Jewish tradition had prophesied would arise from Palestine. When Vespasian fulfilled this prophecy by becoming emperor, Josephus was set at liberty and taken into Roman service, first in Jerusalem as interpreter during the siege, and later in Rome. Here he wrote his *Jewish War* in the service of Roman propaganda: its purpose being to persuade the Jews of Mesopotamia that nothing could be done to help the Jews of Palestine, and to persuade Jews everywhere that the Palestinians had brought their ruin upon themselves by their own wickedness; that the Romans were not hostile to Judaism but had acted in Palestine regretfully, as agents of divine

vengeance; and that therefore submission to Roman rule was justified by religion as well as common sense.

For this service Josephus has often been denounced as an apostate from Judaism. He was not. Submission to the Romans and recognition of Vespasian as destined emperor certainly did not, in and by themselves, constitute apostasy, for these very same acts are attributed by Rabbinic tradition to the leader of the Pharisaic revival, R. Johanan ben Zakkai. Clearly, then, the question of Josephus' loyalty to Judaism must be settled by other considerations. And there is positive evidence that he remained, even in Rome, an admitted and convinced Jew. He wrote a defense of Judaism against the grammarian Apion, and this at a time when defenders of Judaism were probably not in favor. In the reign of Domitian, who seems to have been hostile to Jews, he wrote his major work, the *Jewish Antiquities*, of which the main concern was to glorify the Jewish tradition. His loyalty to that tradition, therefore, is hardly to be questioned.

But to which group within the Jewish tradition was he loyal? Here a comparison of the *War* with the *Antiquities* is extremely informative. In the *War*, written shortly after the destruction of Jerusalem, Josephus still favors the group of which his family had been representative—the wealthy, pro-Roman section of the priesthood. He represents them (no doubt correctly) as that group of the community which did all it could to keep the peace with Rome. In this effort, he once mentions that they had the assistance of the chief Pharisees, but otherwise the Pharisees hardly figure on the scene. In his account of the reign of Salome-Alexandra he copies an abusive paragraph of Nicholas of Damascus, describing the Pharisees as hypocrites whom the queen's superstition enabled to achieve and abuse political power. In his account of the Jewish sects he gives most space to the Essenes. (Undoubtedly he was catering to the interests of Roman readers, with whom ascetic philosophers in out-of-the-way countries enjoyed a long popularity.) As for the others, he merely tags brief notices of the Pharisees and Sadducees onto the end of his survey. He says nothing of the Pharisees' having any influence with the people, and the only time he represents them as attempting to exert any in-

fluence (when they ally with the leading priests and other citizens of Jerusalem to prevent the outbreak of the war), they fail.

In the *Antiquities*, however, written twenty years later, the picture is quite different. Here, whenever Josephus discusses the Jewish sects, the Pharisees take first place, and every time he mentions them he emphasizes their popularity, which is so great, he says, that they can maintain opposition against any government. His treatment of the Salome-Alexandra incident is particularly illuminating: he makes Alexander Jannaeus, Salome's husband and the lifelong enemy of the Pharisees, deliver himself of a deathbed speech in which he blames all the troubles of his reign on the fact that he had opposed them and urges his wife to restore them to power because of their overwhelming influence with the people. She follows his advice and the Pharisees cooperate to such extent that they actually persuade the people that Alexander was a good king and make them mourn his passing!

It is almost impossible not to see in such a rewriting of history a bid to the Roman government. That government must have been faced with the problem: Which group of Jews shall we support? It must have asked the question: Which Jews (of those who will work with us at all) can command enough popular following to keep things stable in Palestine? To this question Josephus is volunteering an answer: The Pharisees, he says again and again, have by far the greatest influence with the people. Any government which secures their support is accepted; any government which alienates them has trouble. The Sadducees, it is true, have more following among the aristocracy. (We may guess that they were better represented at the Roman court and that Josephus was trying to answer this objection.) But they have no popular following at all and, even in the old days when they were in power, they were forced by public opinion to follow the Pharisees' orders. As for the other major parties, the Essenes are a philosophical curiosity, and the Zealots differ from the Pharisees only by being fanatically anti-Roman. So any Roman government which wants peace in Palestine had better support and secure the support of the Pharisees.

Josephus' discovery of these important political facts (which he

ignored when writing the *Jewish War*) may have been due partly to a change in his personal relationship with the Pharisees. Twenty years had now intervened since his trouble with Simeon ben Gamaliel, and Simeon was long dead. But the mere cessation of personal hostilities would hardly account for such pointed passages as Josephus added to the *Antiquities*. The more probable explanation is that in the meanwhile the Pharisees had become the leading candidates for Roman support in Palestine and were already negotiating for it. This same conclusion was reached from a consideration of the Rabbinic evidence by Gedalyahu Alon in his *History of the Jews in Palestine in the Period of the Mishna*.² He concluded that the Roman recognition of the judicial authority of the Rabbinic organization in Palestine came after the fall of Domitian, but had been a matter of negotiation even in Domitian's time and, when it came, was an official approval of an authority which had already existed *de facto* for some time. This theory, and the tradition that Jewish relations with Rome underwent some strain in the latter days of Domitian, would perfectly explain the content and tone of those passages of the *Antiquities* which insist on the influence of the Pharisees with the people.

Such motivation does not, of course, prove that Josephus' statements are false, but it would explain their falsity if that were otherwise demonstrated. Without attempting conclusive demonstration, three points may be noted:

First, as we have seen, there is much evidence that during the first century a great deal of Palestinian Judaism was not Pharisaic.

Second, the influence of the Pharisees with the people, which Josephus reports, is not demonstrated by the history he records. John Hyrcanus was not afraid to break with the Pharisees, and none of the succeeding Maccabees except Salome and the puppet Hyrcanus II felt it worth while to conciliate them. As to their relations with Herod, Josephus contradicts himself; but if Herod had the support of the Pharisees it did not suffice to secure him popularity, and if they opposed him they were not strong enough to cause him serious trouble. During the first century of the Common Era, the only ruler

² [*Toledot ha-Yehudim be-Eref Yisrael bi-Tequfat ha-Mishna we-ha-Talmud*.]

who consistently conciliated them was Agrippa I. If, as Josephus says, they were for peace with Rome, their influence failed to maintain it. After the war broke out, they formed only one party in the coalition upper-class government, which held the initial power in Jerusalem for a short time, but was ousted by groups with more popular support. All this accords perfectly with the fact that Josephus in his first history of the war never thought their influence important enough to deserve mention.

In the third place, even Josephus' insistence on their influence "with the multitude" implies a distinction between them and the people whom they influenced. Evidently, "the multitude" were the majority and they were not Pharisees. In one instance, where Josephus speaks of the Pharisees as refusing to take an oath of loyalty to Herod, he sets the number of them at "more than 6000." The passage is not absolutely conclusive because another seems to contradict it and assert that the oath was taken, but the most plausible explanation would seem to be that which takes the passages as contradictory rather than complementary and understands 6000 as the (approximate) total number of the Pharisees. The Essenes, by the way, numbered about 4000, according to Josephus' estimate.

How, then, are we to understand the position of these 6000 Pharisees vis-à-vis the mass of the Jewish population, that is to say, in what category of the population were they classed: were they clergy or laity? Was it a profession to be a Pharisee, or an avocation?

Here the danger is obviously that of imposing modern categories upon ancient society. Many would say there is even a danger of imposing ancient categories on a part of ancient society which they do not fit, of classifying the Pharisees in categories which belong to Greek and Roman society, not to Palestinian Judaism. This charge has been brought particularly against Josephus, who consistently describes the major Jewish sects, including the Pharisees, as philosophic schools. In this he is supported by agreement with Philo and with the ancient Christian writers who describe the Jewish sects. But it is customary to say that in using this description he is trying to explain the sects to his gentile readers, who had nothing like them in their society. The easiest way to give them a general idea of what

the Pharisees did was to call them "philosophers," just as, nowadays, the simplest way to explain a *guru* is to call him a "father confessor." The people who maintain this view hold not only that all Pharisees were primarily Pharisees (a very strong position) but also that the Greco-Roman society produced nothing really like them, so that, although others may have thought of them in its terms, the Pharisees themselves never did so. Now this latter position is a particular application of the general notion that Palestinian Judaism was practically untouched by Hellenistic influences. We have already seen that general notion to be false; here we may adduce a number of reasons for doubting this particular application as well.

First of all, it must be remembered that Judaism to the ancient world was a philosophy. That world had no general term for *religion*. It could speak of a particular system of rites (a cult or an initiation), or a particular set of beliefs (doctrines or opinions), or a legal code, or a body of national customs or traditions; but for the peculiar synthesis of all these which we call a "religion," the one Hellenistic word which came closest was "philosophy." So when Judaism first took shape and became conscious of itself and its own peculiarity in the Hellenized world of the later Persian Empire, it described itself with the Hellenic term meaning the wisdom of its people (Deut. 4:6). To the success of this concept within Judaism the long roll call of the wisdom literature bears witness. Further, the claim was accepted by the surrounding world. To those who admired Judaism it was "the cult of wisdom" (for so we should translate the word "philosophy" which they used to describe it), and to those who disliked it it was "atheism," which is simply the other side of the coin, the regular term of abuse applied to philosophy by its opponents.

It is therefore not surprising that Jews living, as Palestinian Jews did, in the Greco-Roman world, and thinking of their religion as the practice of wisdom, should think of the groups in their society which were distinguished by peculiar theories and practices as different schools of the national philosophy. That the groups also thought thus of themselves is shown by a vast number of details, of which the following are a few examples. Their claim to authority was put

in the form of a chain of successors by whom the true philosophy had been handed down. Elias Bickerman in his article, "La Chaîne de la tradition pharisienne," has demonstrated the parallel between this list (in *Abot*) and the list alleged by the philosophic schools, and has remarked that the Greek and Pharisaic lists differed from those of the priestly "philosophies" of the barbarians in being lists of teachers, not of ancestors. He also mentions, apropos of the "houses" of Hillel and Shammai, the fact that "house of so-and-so" is a regular form of reference to a philosophic school founded by so-and-so; and he shows that both the Greek and the Jewish philosophic schools justified their peculiar teachings by claiming accurate tradition from an authoritative master. Not only was the theory of the Pharisaic school that of a school of Greek philosophy, but so were its practices. Its teachers taught without pay, like philosophers; they attached to themselves particular disciples who followed them around and served them, like philosophers; they looked to gifts for support, like philosophers; they were exempt from taxation, like philosophers; they were distinguished in the street by their walk, speech, and peculiar clothing, like philosophers; they practiced and praised asceticism, like philosophers; and finally—what is, after all, the meat of the matter—they discussed the questions philosophers discussed and reached the conclusions philosophers reached. Here there is no need to argue the matter, for Professor Wolfson, in his aforementioned classic study of Philo, has demonstrated at length the possibility of paralleling a philosophic system point by point from the opinions of the Rabbis. Now one, or two, or two dozen parallels might be dismissed as coincidental: all men, by virtue of mere humanity, are similar and life presents them with similar problems; it is not surprising, therefore, that they should often and independently reach the same answers. But parallels of terminology are another matter, and here we come back to Professor Lieberman's demonstration that some of the most important terms of Rabbinic Biblical exegesis have been borrowed from the Greek. This is basic. As indicated above, the existence of such borrowings can be explained only by a period of profound Hellenization, and once the existence of such a period has been hypothesized it is plausible to attribute to it also the astounding

series of parallels which Professor Wolfson has shown to exist between the content of philosophic and Rabbinic thought.

In sum, then, the discoveries and research of the past twenty-five years have left us with a picture of Palestinian Judaism in the first century far different from that conceived by earlier students of the period. We now see a Judaism which had behind it a long period of thoroughgoing Hellenization—Hellenization modified, but not thrown off, by the revival of nationalism and nationalistic and antiquarian interest in native tradition and classic language (an interest itself typically Hellenistic). As the Greek language had permeated the whole country, so Greek thought, in one way or another, had affected the court and the commons, the Temple and the tavern, the school and the synagogue. If there was any such thing, then, as an "orthodox Judaism," it must have been that which is now almost unknown to us, the religion of the average "people of the land." But the different parts of the country were so different, such gulfs of feeling and practice separated Idumea, Judea, Caesarea, and Galilee, that even on this level there was probably no more agreement between them than between any one of them and a similar area in the Diaspora. And in addition to the local differences, the country swarmed with special sects, each devoted to its own tradition. Some of these, the followings of particular prophets, may have been spontaneous revivals of Israelite religion as simple as anything in Judges. But even what little we know of these prophets suggests that some of them, at least, taught a complex theology. As for the major philosophic sects—the Pharisees, Sadducees, and Essenes—the largest and ultimately the most influential of them, the Pharisees, numbered only about 6000, had no real hold either on the government or on the masses of the people, and was, as were the others, profoundly Hellenized.

This period of Palestinian Jewish history, then, is the successor to one marked by great receptivity to outside influences. It is itself characterized by original developments of those influences. These developments, by their variety, vigor, and eventual significance, made this small country during this brief period the seedbed of the subsequent religious history of the Western world.

13.

*The Influence of Symposia Literature on the Literary Form of the Pesah Haggadah**

S. STEIN

A. The Problem

THERE ARE MORE than twenty passages in the Bible, ranging from *Exodus* to the *Second Book of Chronicles*, which deal in one way or another with the ordinances of *hagh ha-pesah* and *hagh ha-masoth*. The Rabbis of mishnaic times were already aware of some inconsistencies in the ancient records. They speak, for instance, of *pesah misrayim* and *pesah le-dhoroth*. Modern Old Testament scholars, in particular, have drawn attention to the variety of Biblical source material on the subject. To mention only a few of the more striking discrepancies: originally Pesah was observed as a domestic festivity. The whole account in *Exodus* xii has no trace of the deuteronomic centralization of sacrificial worship. In *Exodus* xii: 22 ff, the sprinkling of the blood on the lintel and the two sideposts of the door is commanded "as a statute unto thee and thy sons for ever." The passages in *Deuteronomy*, *Joshua*, the *Second Book of Kings*, *Ezra* and the *Second Book of Chronicles*, though phrased in more general terms, do not mention any such ordinance. And what in the *Exodus* account seems to refer entirely to the duties of every householder, is transferred in *Ezra* to the tasks of the priests and Levites.

Only one aspect seems to be an unchangeable feature of the Pesah traditions from hoary antiquity to the present day—the duty incumbent on every father and teacher in Israel to perpetuate the memory of the story of the Exodus from Egypt and to pass it on to the next generation. Four sections in the Pentateuch are supposed to accentuate this obligation.¹ A fifth quotation from *Exodus* x: 2 is not used as a proof-text in the traditional Haggadah, though it occurs in the *Midhrash ha-Gadol* in the name of Rabh Huna, in the *Guide of the Perplexed*, iii: 39, and in the *Haggadah* of the Karaites.²

* I am indebted to my colleague, Mr. J. G. Weiss, for drawing my attention to the structural and historical relationship between the Haggadah and Symposia Literature. My friend, Dr. J. Rosenwasser, has made valuable suggestions on various points which have a bearing on this enquiry.

¹ *Exodus* xii: 26 ff, xiii: 6 ff and 14, and *Deuteronomy* vi: 12 f.

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It appears, however, that at best only the first three passages have a bearing on what later became the statutory liturgy of the *Pesah Haggadah*. The context of the question of the son in *Deuteronomy* deals generally with "testimonies, statutes and ordinances," which, though traced back to the time of the Exodus, have nothing to do with the specific laws of Passover, such as the paschal lamb, unleavened bread and bitter herbs. Even the first three commandments in *Exodus* bear only remote resemblance to their ultimate transformation in the *Haggadah*, if we consider their original *Sitz im Leben*. The Samaritans, for instance, have nothing corresponding to the Jewish Seder Service in their early history. Their table hymns appear first in the fourteenth century. In obedience to the law in *Exodus* xii: 7 and xii: 22, they merely dip a little bunch of hyssop into a bowl of blood and touch the lintel and sideposts of their huts with it. On a number of occasions, the custom has been observed that adults and children mark their foreheads and probably their arms or hands with blood.³ In *Exodus* xiii: 9, the exhortation to tell the son is immediately followed by the sentence "And it shall be as a sign upon your hand and for a memory between your eyes, so that the Torah of the Lord should be in your mouth, because the Lord has brought you forth from Egypt with a strong hand. And thou shalt keep this statute at its proper season from year to year."

A very similar, though shorter, instruction occurs in verse 16, after reference has been made to the slaying of the first-born in Egypt. Chapter xii: 26 stands in the same context. What was originally meant to be preserved in the memory of future generations was simply the annual domestic sacrifice and the accompanying blood rite,⁴ the eating of unleavened bread and bitter herbs, and a brief explanatory reference to the

³ For a recent comprehensive treatment of the celebration of the Passover among the Samaritans cf. the Ph.D. thesis submitted to the University of Leeds by J. LERNER, *A Critical Investigation and Translation of the Special Liturgies of the Samaritans for their Passover*, 1956.

⁴ For a late reminiscence of its originally prophylactic character cf. *Jubilees* ii: 15. Cf. also the phenomenological study by F. BAMMEL, *Das Heilige Mahl im Glauben der Völker*, Gütersloh, 1956, p. 56. On the early replacement of the dipping of hyssop into a bowl of blood and the touching of lintel and sideposts into the two *tibbulim* cf. the interesting article by S. ZEITLIN, *Seder shel Pesah*, Hadoar xxxvi, No. 21, 1956, pp. 414 f. The Karaite usage to recite the 'arami 'obhedh passage in their Passover Haggadah is merely a late adaptation to the Rabbinic custom.

⁵ PRESSBURG, 1879; cf. also M. M. KASHER, *Haggadah Shelemah*, Jerusalem, 1955, p. 29.

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Exodus and the covenant connected with it. There is certainly no allusion in any of the Biblical passages to the duty of telling the story of deliverance at night.

There are many references to the celebration of the Passover meal in *Jubilees*, *Philo*, *Josephus* and the *New Testament* which we shall discuss later. Some of them reveal interesting points of contact with later developments, but it is almost certain that apart from *Kiddush*, *Hallel* and some very elementary questions and answers in connection with the rites of the festival,⁵ no fixed Seder liturgy was in existence before the second third of the second century C.E. Even after that, the establishment and adjustment of traditions lasted for many centuries. Had there been any pre-Christian literary history of the *Haggadah*, the Hellenistic Jewish writers would have given a detailed account of its educational and "philosophical" importance to their Greek neighbours. Finkelstein's dating of the greater part of the *Haggadah* text in the second or third century B.C.E. is thus unconvincing.⁶ Neither the *Elephantine Papyrus* of 446 B.C.E., which deals with some of the laws of Passover, nor the Pesah passage in *Sirah*, chapter 50, mention anything about the Seder Service.

What then gave the impetus to the extension from the unspecified Biblical ordinances to the elaborate ritual of the *Haggadah* as it now stands before us? A number of explanations can be put forward: the expansion of any form of liturgy after the cessation of the Temple service, the general increase in midrashic exegesis since the beginning of the Christian era, the amalgamation and harmonization of a great variety of these rabbinic traditions, eschatological expectations side by side with the attempt to organise national resistance against Rome, and the tendency to stress the antiquity of the Jewish people. In addition to such causes which all played their part in the shaping of the statutory ritual of the Seder Night, I submit for consideration the influence of Symposia Literature on the literary form of the *Haggadah*.

I. Lewy, E. Baneth, S. Krauss and D. Goldschmidt have already drawn attention to the fact that the forms of the Seder meal pre-

⁵ The tenth chapter of *Mishnah* and *Tosefta Pesahim*, for instance, records early controversies regarding *Kiddush* and *Hallel* between Hillel and Shammai. The mishnaic *mah nishtanah*, and possibly the saying of Rabban Gamaliel presuppose the existence of the Temple. See, however, below pp. 25ff, 32f, 41f.

⁶ Cf. *The Oldest Midrash: Pre-Rabbinic Ideals and Teachings in the Passover Haggadah*, Harvard Theological Review, xxxi, pp. 291 ff. *Pre-Maccabean Documents in the Passover Haggadah*, *ibid.*, xxxv, pp. 291 ff and xxxvi, pp. 1 ff.

suppose acquaintance with, and dependence on, Graeco-Roman table manners and dietary habits.⁷ There is—apart from the old constituent parts of the paschal festivities—the washing of hands, the *hors d'oeuvre*, the wine before, in the middle and after the meal, and the reclining on beds or couches at supper time. Not one of these items is in any way restricted to the Seder Night, not one to a specific sacred occasion. Examples illustrating such affinities between the Jewish and non-Jewish way of life could be multiplied to fill a small volume of comparative study. The scarcity of Biblical and especially of Pentateuchal data and their setting in a relatively primitive form of society leave little doubt as to who borrowed from whom, though allowances must be made for transformation from the profane to the sacred, from pagan to Jewish religiosity and for a certain natural development of each civilization within its own sphere.

A random selection of additional evidence must here suffice. In the course of a lexicographical enquiry, Athenaeus⁸ quotes a number of passages from Homer to the poets of the Old and New Comedy in which the terminus technicus *didonai hudōr kata cheirōn* is used. Such pouring of water over the hands was done before and after meals. Socrates in Plato's *Symposium* (175 A) is washed by a servant to make him ready for reclining. The elliptic גבול לידים, or גבול גבול לידים (Tosefta Berakhot, iv: 8) which stands for גבול מים על הידים is the aramaizing equivalent for the Greek phrase.

Athenaeus alone refers to lettuce seven times in his *Deipnosophists*,⁹ describing the variety of its kind and its usefulness at table. As to *haroseth*—made of nuts and fruits pounded together and mixed with spices, wine or vinegar—similar though not identical dishes are described at length by the same author,¹⁰ and the question is raised whether they should be served before or after dinner. Heracleides of Tarentum, a physician of the first century B.C.E., is said to have recommended these appetizers as an *hors d'oeuvre* rather than a dessert. It is interesting that the *Mishnah Pesahim* x: 3 does not consider *haroseth* as a *mišwah*.¹¹ Only a *Baraita*, quoted in the *Gemara*

⁷ For a detailed bibliography cf. D. GOLDSCHMIDT, *Sedher Haggadah shel Pesah*, Jerusalem 1947.

⁸ *Deipnosophists* ix: 408c ff. cf. also Index s.v. Washing of Hands. More about Athenaeus on p. 19. If not stated otherwise Greek and Roman authors are quoted from the *Loeb Classical Library*; its translations have been used with occasional modification.

⁹ See Index s.v. Lettuce.

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ad loc., attaches the well-known symbolism to it, whilst Abaye, an Amora of the fourth century, could still suggest a different interpretation of this "fruit salad" (*Pesahim* 116a).

Even the custom of Hillel to eat Maṣṣah and Maror together with the paschal lamb¹² need not be based on a literal interpretation of *Exodus* xii: 8 and *Numbers* ix: 11. Sandwich bread eaten with lettuce belongs to the Graeco-Roman menu. Bread attached by skewers to the meat was also common.¹³ The habit was apparently *en vogue*, before it was linked with a scriptural commandment.

That wine, mixed or unmixed, belongs to most festive occasions, Gentile, Jewish, secular and sacred, is natural and needs no stress. Biblical and Rabbinic references have been assembled in every work dealing with the ancient Jewish meal in general and with the Seder in particular.¹⁴ Of the comparable Greek source material Antiphanes' saying that one should honour the gods to the extent of three cups might perhaps be quoted,¹⁵ though nobody would claim any direct influence on the four cups of the *Haggadah*.

In Homer's time "men still feasted sitting, but gradually they slid from chairs to couches, taking as their ally relaxation and ease,"¹⁶ leaning on their left arm whilst they were eating.¹⁷ In Biblical times, a similar development took place and has been traced by E. Baneth in his *Commentary on the Mishnah Pesahim*. Yet it is clear that those Biblical records which refer to reclining do so only in connection with royal circles and a degenerate aristocracy.¹⁸ The *Haggadah*, on the other hand, and its tannaitic sources reflect general social changes of the time and allow, nay, command ex-

¹² *Pesahim* 115a.

¹³ Athenaeus iv.: 151a.

¹⁴ Cf. e.g. *Strack-Billerbeck* iv.: 1 Exkurs: Das Passahmahl, pp. 41 ff. and iv: 2 Exkurs: Ein Altjüdisches Gastmahl, pp. 611 ff.

¹⁵ Antiphanes was a poet of the fourth century B.C.E. Cf. Athenaeus x: 441c and Index s.v. Wine. Plutarch singles out wine, bread, meat, couches and tables which must be provided for every entertainment. Other things are brought in not for necessity but pleasure. (*Quaestiones Conviviales*, ed. G. C. BERNADAKIS, Leipzig 1892, 629c). Cf. also K. KIRCHER, *Die sakrale Bedeutung des Weines im Altertum*, Religionsgeschichtliche Versuche und Vorarbeiten, ix: 2, 1910.

¹⁶ Athenaeus i: 11 f; viii: 363 f; x: 428b, and Index s.v. Reclining.

¹⁷ Cf. A. FRICKENHAUS, *Griechische Bankethäuser*, Jahrbuch des Kaiserlich-Deutschen Archäologischen Instituts, xxxii, p. 115, and *Pesahim*, 108a.

¹⁸ Cf. *Amos* ii: 8, vi: 4; *Esther* i: 6, vii: 8; *Canticles* i: 12.

¹⁹ ii: 53c and Index s.v. Nuts.

²⁰ Rabbi Ṣadoq, who does not share this view, speaks only for himself. Cf. also *Tosefta Pesahim* x: 9f.

tension of upper-class prerogatives even to the poorest in Israel.¹⁹

Moreover, words like *tragema*, *parpereth* and *'epikomion*, mentioned in the tenth section of *Pesahim*, betray their foreign origin at once and lead back to the contemporary environment out of which they grew.²⁰

But more than words and dinner habits are here involved. Since Plato, a literary species, the so-called Symposia, had developed, in which a description was given of a banquet held by a few learned men who had met at a friend's house to discuss scientific, philosophical, ethical, aesthetical, grammatical, dietetic and religious themes over a glass, and very often over a barrel of wine, after they had dined together. Plutarch, one of the most famous contributors to sympotic literature, and a younger contemporary of Rabbi Eliezer, Rabbi Joshua, Rabbi Eleazar ben Azariah, Rabbi Akiba and Rabbi Tarfon, summarizes earlier practice and theory in the following manner: *Koinōnia gar esti kai spoudēs kai paidiās kai logōn kai praxeōn to symposion*. "A symposium is a communion of serious and mirthful entertainment, discourse and actions."²¹ It is meant to further "a deeper insight into those points that were debated at table, for the remembrance of those pleasures which arise from meat and drink is ungenteel and short-lived . . . but the subjects of philosophical queries and discussions remain always fresh after they have been imparted . . . and they are relished by those who were absent as well as by those who were present at dinner."²²

Occasions for such meetings varied from ordinary desire for pleasant company to birthday, victory, or religious celebrations. A full discussion of dietetic questions is not to be found in the earlier Symposia of Plato and Xenophon. Plutarch, however, covering the whole range of human knowledge of his time, includes a number of table talks which deal at length with the peculiarities of all kinds of fish, meat, vegetables and wine (iii: 7-9). There is even one *Tischgespräch* which centres round the question whether

¹⁹ For reclining at ordinary meals in tannaitic times cf. *Tosefta Berakhoth* iv: 8 f.

²⁰ *Parpereth* has been derived by JACOB LEVY, *Wörterbuch über die Talmudim*, from Hebrew *parar*. BANETH, however, in his *Die Sechs Ordnungen der Mischna, Pesachim*, Berlin 1927, p. 240, is certainly right in connecting the word with the Greek *perifora*. For *'epikomion* cf. S. LIEBERMAN, *Ha-Yerushalmi Kifshuto*, Jerusalem 1934, p. 521.

²¹ Cf. *Quaestiones Convivales*, l.c., 708 D.

²² Plutarch, l.c., 686 C f.

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the Jews abstain from pork, because they worship the pig, or because they have an antipathy against it (iv: 5). Since the days of Pythagoras, considerable interest had been taken in dietetic problems. Hellenistic, Gnostic, Neo-Platonic and Patristic writings make relevant, though dispersed, observations on them²³. Athenaeus, who lived in Rome at the end of the second and the beginning of the third century C.E., gives a fantastic list of dishes and drinks in his 15 books entitled *The Deipnosophists*. One of the various banquets described in them is said to have taken place on the holiday of the Parilia, an April feast instituted in commemoration of Hadrian's erection of the Temple of the Fortune of Rome (viii: 361f).

The *Deipnosophists* contain an encyclopaedic summary of similar older compilations, valuable for their traditions and methods of approach. Heavy dependence on earlier authors is also conspicuous with the last representative of this type of literature, Macrobius, whose *Saturnalia* belong to the early fifth century.²⁴

Statements made in sympotic writings are often traced back to their classical sources. *Eipe gar Homēros* appears over and over again. He is "the wisest", and to quote him is almost identical with the midrashic and haggadic *she-ne'emar* or *ka-kathubh*. Yet there is no restriction of authorities²⁵ or subject matter in the arguments of these authors, whilst the Rabbis, in spite of all their diversity of opinion, have only one Bible to confirm their views.

No hard and fast rules for the talk are observed in Greek and Roman literature. "Even Plato," we are told by Plutarch, "did not prepare himself for the contest like a wrestler, that he may take the faster hold of his adversary . . . Questions should be easy, the problems known, the interrogations plain and familiar, not intricate and dark, so that they may neither vex the unlearned nor frighten them from the disquisition . . . The discourse should be like

²³ Cf. e.g. *Pseudo-Aristeas*, 132 ff; PHILO, *De Specialibus Legibus*, iv: 97, and the author's *Dietary Laws in Rabbinic and Patristic Literature*, Studia Patristica, Vol. II, Berlin 1957, pp. 141-154.

²⁴ Edited by H. BORNEQUE and F. RICHARD, Paris 1937. The object of the whole work is *colloqui, interrogare, respondere* (i, ii, 4, 5). Almost all sources of Macrobius have been traced to the second century C.E. if not to an earlier period; cf. the articles Macrobius and Gavius Bassus in *Pauly-Wissowa*. For the connection of earlier symposia with religious occasions see XENOPHON'S *Dinner of the Seven Wise Men*, 146 d.

²⁵ A random selection from Athenaeus yields *theios Homēros*, v: 185a; *kalos Xenofōn*, xi: 504 c; *sofos Platōn*, iv: 155 f; *polumathestatos Aristotelēs*, xi: 505 c.

our wine, common to all, of which everyone may equally partake."²⁶ Classical scholars have described the literary development of sympotic writings from their masterly beginnings to their degenerate end.²⁷

B. Pre-Haggadic Traces of Symposia Literature in Jewish Hellenistic Writings

There are some traces of such table talks in early Jewish-Hellenistic literature. In the pseudepigraphic *Letter of Aristeas*,²⁸ for instance, we learn that the Palestinian emissaries who had come to Alexandria to translate the Hebrew Bible into Greek were invited by the king to inaugurate their mission with a "party" in their honour. It is emphasized that the day coincides with the anniversary of the king's victory which would have at any rate demanded a special celebration of a sympotic character. During the meal all participants recline. A prayer over the specially prepared food is pronounced, and after a suitable time has passed, a table talk on the art of good and just government ensues.²⁹ Following the examples of classical Symposia literature every one of those invited participates in the discussion. For a full week the festive meals are repeated, the talks too are continued. It is not their contents, but their apparent dependence on a fixed literary pattern which is relevant for our enquiry.

No direct or indirect information about the origin of the Haggadah can be gained from the long section on Pesah in the *Book of Jubilees* (chapter 49). It merely follows its general trend of presupposing Rabbinic observances in Patriarchal times, if it projects the drinking of wine and the praise of the God of the Fathers into the time of the Exodus.

Philo deals directly with the celebration of Pesah in a number of passages, particularly in his *De Specialibus Legibus*, ii: 145ff. Nevertheless, he does not mention any form of a fixed liturgy for the Seder night, though he describes in great detail how "on this festival many myriads of victims were offered by the whole people, old and young alike, raised for that particular day to the dignity of priesthood." Only in its broadest outline can his interpretation

²⁶ *Quaestiones Conviviales*, 614 Cf.

²⁷ I am particularly indebted to JOSEPH MARTIN, *Symposion, die Geschichte einer literarischen Form*, Paderborn 1931.

²⁸ About 100 B.C.E. according to STAEHLIN, *Die Hellenistisch-Jüdische Literatur*, Munich 1921, p. 621.

²⁹ Cf. XENOPHON, *Dinner of the Seven Wise Men*, 147a ff.

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of the religious, historical, and agricultural meaning of the festival rites—and still less his allegorizations—be compared with the later Rabbinical records. All he has to say about domestic celebrations is comprised in one paragraph (148). “On this day every dwelling house is invested with the outward semblance and dignity of the Temple. The guests assembled for the banquet (*sussitia*) . . . are there not as in other festive gatherings (*eis ta alla sumposia*) to indulge the belly with wine and viands, but to fulfill with prayers and hymns (*met' euchōn te kai humnōn*) the custom handed down by their fathers.” I have shown elsewhere that the term *humnos* stands for *Hallel* since the days of the Maccabees.³⁰

In his *De Vita Contemplativa* (48ff), Philo gives further details about pagan banquets and the luxury, ostentatiousness and immorality prevailing at them. He describes the elaborate couches (*triklina* and *poluklina*) on which the guests used to recline, and a great variety of precious cups and goblets from which they drank as well as baked meats and savoury dishes which they ate. The performances of flute-girls, dancers and jugglers are contemptuously referred to as accompaniments to unrestrained merry-making.³¹ Even the table talk itself is denounced as leading to effeminacy and vulgarity. The criticism includes the famous *Symposia* of Plato and Xenophon. In contrast, the simplicity of dining habits amongst the Therapeutae is recommended to the reader. Philo,³² for reasons unknown, singles out their celebration of *Shabhu'oth*³³ and praises the utmost seriousness with which it was conducted: their sincerity in prayer, their orderly reclining for dinner, the chastity of their women who sit apart, and their contentment in all things, which does not even allow slaves to serve upon them. In his own words, “When the guests have laid them-

³⁰ *Journal of Jewish Studies*, v: 4 (1954), p. 154, “The Liturgy of Hanukkah and the First Two Books of Maccabees”. Cf. also *Matthew* xxvi: 30 and *Mark* xiv: 26, where *humnein* stands for *Hallel* in connection with the celebration of the Passover Night.

³¹ Musicians and dancers were considered the dregs of society in the Septuagint, the New Testament, Rabbinic, and Patristic literature. Cf. S. LIEBERMAN, *Greek in Jewish Palestine*, New York, 1942, pp. 31 ff.

³² *Ibid.* 64-90 and Appendix p. 522.

³³ F. H. COLSON in the Loeb edition *ad locum* and H. LEWY, *Philo*, Oxford 1946, p. 45, refer *di hepta hebdomadōn* to Pentecost. I. HEINEMANN, in his article on the Therapeutai in PAULY-WISSOWA, and J. VAN DE PLOEG in “Meals of the Essenes,” *Journal of Semitic Studies*, II, April 1957, p. 174, prefer earlier interpretations according to which the phrase must mean “every seven weeks.” Some exegetical difficulties remain on either side, though they have no bearing on our enquiry.

selves down . . . and the attendants have taken their stand . . . the President of the company (*prohedros*)³⁴ discusses (*tsētei*) some question arising in the Holy Scriptures, or solves one that has been propounded by someone else. His instruction proceeds in a leisurely manner, he lingers over it and spins it out . . . , thus permanently imprinting the (sacred) thoughts in the souls of his hearers."³⁵ After the discourse, disciplined antiphonal community singing concludes the festive but simple meal.

No such "Haggadah" of the Therapeutae is left, but it needs no sagacity to recognize in Philo's description of this vigil the general background out of which the related Seder ritual must have grown as well.

The community singing is comparable to that of the *Hallel* at the Seder as described in Mishnah, Tosefta and Gemara.³⁶ The *prohedros* becomes in a way the 'omer ha-haggadah or the *maggidh*,³⁷ the lector of Latin Symposia literature, and *tsētein* is identical with *darash*.³⁸ The questions come from the audience and the answers are to be given in a simple manner. Even the leavened bread of which the community partakes seems related to the unleavened bread to be eaten on the Seder night, though the circumstances of, and the reasons for such practice, are not identical. Like the scholars of B'ne B'rak in the Haggadah or like those in Lud mentioned in the *Tosefta*, x: 12, "they continue till dawn . . . not with heavy heads or drowsy eyes but more alert and wakeful than when they came to the banquet (*eis to sumposion*). . . . When they see the sun rising, they stretch their hands up to heaven. . . ." It is interesting that such habits originated in sectarian circles, or rather that our first information comes from them. More one cannot say at the moment.

Josephus has little if anything to report about the domestic festivities on Pesah, though he refers to the Pesah sacrifices offered

³⁴ A few Greek words are here filled up from the Armenian, cf. p. 158, note 1 in the Loeb edition.

³⁵ *Ibid.* 75.

³⁶ Cf. *Mishnah Pesahim* x: 5 f and references by J. N. EPSTEIN, *Introduction to Tannaitic Literature*, Jerusalem 1957, p. 334; *Tosefta Pesahim* x: 6-9 and observations by S. LIEBERMAN, *Tosefeth Rishonim*, I, Jerusalem 1937, p. 177 f, *Gemara Pesahim*, 85b, *Yerushalmi*, *ibid.* 35b.

³⁷ Cf. *Pesahim*, 115b. For a discussion of seating arrangements at a banquet cf. PLUTARCH, *Quaestiones Convivales* i: 3 and M. BURROWS, *The Dead Sea Scrolls of St. Mark's Monastery, II, Manual of Discipline*, 1951, Plate 6.

³⁸ Cf. WALTER BAUER, *Wörterbuch zum Neuen Testament*, Berlin, 1952, s.v. *tsēteō*, p. 614.

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by the multitudes in Jerusalem on many occasions, both in his *Antiquities* and in his *Jewish War*.

From the New Testament we can learn little more about the Seder arrangements in the first century than that Jesus formed a *Habhurah* with his disciples to partake of the Paschal meal. It was arranged well in advance,³⁹ cushions were prepared on which they reclined while eating, at least once herbs were dipped in the dish of sauce, at least three cups passed round, and the *Hallel* completed the festive ordinances.⁴⁰ Investigations into the literary criticism of the Synoptic Gospels and the Pauline documents need not concern us here. It falls equally outside the scope of our present enquiry that the night-long discussion between Jesus and his disciples gave an entirely new meaning to an ancient and hallowed tradition. In the Haggadah, the re-enactment of the delivery from the land of bondage remains a historical reminiscence: "as if everyone had come out of Egypt." There is comparison and not identification. Faith in the new redemption is bound up with certainty of belief in the miracles of the past, e.g. the *Mekhilta* on *Exodus* xiii: 3 (Ben Zoma and the sages), now incorporated into the Haggadah, has also a Messianic and possibly anti-Christian implication, according to which the Exodus from Egypt gains an importance which includes the days of the future Messiah.⁴¹ For Jesus, the Jewish elements of his last supper are eclipsed in spite of the traditional setting. His body replaces the maṣṣah, or better still perhaps the paschal lamb (*touto estin to sōma mou*)⁴², his blood the wine (*touto estin to haima mou*).⁴³

Finally, attention may be drawn to two *Mishnayoth* in *Abhoth* which are connected with our theme. One, iii: 4, reads thus: "Rabbi Simeon (ben Yoḥai, c. 100-170 C.E.) says, 'If three have eaten at one table and have not spoken over it words of the Law, it is as though they have eaten of the sacrifices of the dead. For it is written (*Isaiah* xxviii: 8) "All tables are full of vomit without

³⁹ Cf. *Mekhilta* on *Exodus* xii: 4, *Mishnah Zebhaḥim* v: 8, *Pesahim* 61a.

⁴⁰ Cf. *Matthew* xxxvi: 17 ff, *Mark* xiv: 13 ff, *Luke* xxii: 10 ff, *I Corinthians* xi: 23 ff, and J. JEREMIAS, *The Eucharist Words of Jesus*, 2nd ed., Oxford 1955, pp. 139 ff.

⁴¹ For a fuller discussion of such tendencies in the Haggadah see D. DAUBE, *The New Testament and Rabbinic Judaism*, London 1956, pp. 278 f.

⁴² It may be that *sōma* equals *gufo shel pesah*, especially in view of the fragmentary character of the Synoptic records. Cf. however, JEREMIAS, l.c. p. 140 and G. DALMANN, *Jesus-Yeshua*, London 1929, pp. 141 ff.

⁴³ For references to red wine in biblical, apocryphal and rabbinic literature, see JEREMIAS, l.c., p. 145.

Maḳom;" but if three have eaten at one table and have spoken over it words of the Law, it is as if they have eaten from the table of *Maḳom*, for it is written, "And He said unto me, this is the table that is before the Lord" (Ezekiel xli: 22)." Such a statement should not be seen in isolation but in the framework of the contemporary cultural habits of the wise, both Jewish and Gentile. It is noteworthy, that Hellenistic influence is also apparent from the exegesis of *Maḳom* in the Isaiah passage. None of the ancient versions understood it to mean God. Only since the identification of *topos* with God, Rabbi Simeon's interpretation became possible.⁴⁴

Rabbi Jacob's well-known ethical exhortation "This world is like a vestibule before the World to Come. Prepare thyself in the vestibule that thou mayest enter into the reclining hall" (*Abhoth* iv: 16) provides another incidental example of Rabbinic familiarity with Graeco-Roman dining habits in the second century C.E. One used to assemble in the *prostas*⁴⁵ for the *hors d'oeuvre* before entering the *triklinion* for the main meal.

C. The Haggadah

The Haggadah itself has come down to us in a very fragmentary state, and it is often more complicated to unravel its original component parts than those of the sympotic talks of Graeco-Roman antiquity. Of the *Four Questions*, for instance, only the first two are briefly answered in the present Seder liturgy. Regarding the last, discussions or even a simple statement like that of Rabban Gamaliel towards the end are replaced by *praxeis*, the partaking of food and dinner habits "so that the children should watch and ask" (*Pesahim* 115b). Occasionally, unauthorised compilations of the ritual such as Palestinian traditions, Genizah fragments or the collections and comments of well-known medieval scholars can throw light on a passage otherwise unrelated to its context or setting in life.

In some cases, one can hardly decide whether a halakhic *Midrash*, a *Mishnah*, *Baraita* or *Tosefta* existed prior to the Haggadah or whether certain practices and exegetical remarks of famous Rabbinic

⁴⁴ Cf. PHILO, *De Somniis*, I, 63, and *Genesis Rabbah*, section 68, 9, on *Genesis* xxviii: 11. Even if *Maḳom* is a substitute for *ha-shamayim*=*ouranos*, the new epithet, so often recurring in our Haggadah text and in Genizah fragments of the Seder liturgy, reflects environmental, and not Biblical terminology.

⁴⁵ Thus Strack-Billerbeck, IV, 2, pp. 617 ff., against J. LEVY, *Wörterbuch über die Targumim*, who derives the word from *prosodos* or *prostōn*.

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scholars at the Seder table have found their way into the statutory ordinances of the legal codes. The shifting of traditional material from one place to another is such a common feature in this type of literature that it needs no emphasis. We also know little of what happened at the "Symposium" at B'ne B'rak in which five of the great teachers of the first half of the second century participated. Only Rabbi Eleazar ben Azariah's contribution to the discussion—if it belonged to it at all from the outset—has been handed down to us in the name of Ben Zoma.⁴⁶ Neither can it be assumed without reservation that the Midrashim on the Ten Plagues formed part of the discussion at B'ne B'rak. The contemporary Rabbis Yehudah and Jose ha-Gelili who appear later on in the Haggadah liturgy are not mentioned as original members of the B'ne B'rak assembly, though one might argue that it happens occasionally in sympotic literature that only four or five people are enumerated at the beginning of a banquet whilst some arrived later or are anonymously described as "others."

A detailed comparison between Symposia literature and the Seder liturgy must distinguish between a general similarity of dining habits—such as foods and drinks, the attendants who serve them, tables and couches and the reclining at dinner—and specific affinities of literary form—such as religious services and the statutory talk woven around the meal. An occasional overlapping will be unavoidable, and here and there an analysis of the tannaitic sources of the Haggadah will be necessary for the elucidation of the main purpose of our enquiry.

*Kiddush, Hallel and Nishmath*⁴⁷

Even these prayers must, in some way at least, be understood against the background of classical and Hellenistic Symposia literature, though differences are again obvious, and fundamental transformations cannot be ignored.

Plato's *Symposium* takes place within the framework of a secular

⁴⁴ The *Sifre*, 130, on *Deuteronomy* xvi: 3 has the full text of the Haggadah from Rabbi Eleazar to "the days of the Messiah." The Midrash is here introduced by אלוהי בן עזריה ו. ו. ה.א. ד.א.מ.ר. Only Ben Zoma and the sages are referred to in the *Mekhilta* on *Exodus* xiii: 3. The *Mishnah Berakhoth* i: 5, has again the full text of the Haggadah, whilst the corresponding *Mishnah* of the *Yerushalmi* i: 9, has א.מ.ר. ל.ה.א, a version which is also found in the text of Maimonides' Haggadah. The word ל.ה.א might thus be linked up with some lost statement of the scholars who spent the night in B'ne B'rak (Dr. Rosenwasser). The story of the banquet itself does not appear in any other source.

⁴⁷ According to R. Yohanan, referred to as *birkhath ha-shir* in *Mishnah Pesahim*, x: 7, *Gemara* and *Tosafoth* a.l. 118a. Cf. also *Berakhoth* 59b.

occasion, yet "when Socrates had taken his place and had dined with the rest, they made libations and sang a chant to the god" (176a). In Plutarch's *Quaestiones Conviviales* we are told that the guests at a banquet used to sing the first song together, praising Bacchus and describing the power of the god (615b). In Plutarch's *De Musica*, the paean is recited at the end of the banquet and sacrifices are offered to Zeus, the other gods and the muses.⁴⁸

Athenaeus summarised the evidence of classical antiquity in the following manner: "*Pāsa de sumposiou sunagōgē para tois archaiois tēn aitian eis theon anefere.*" "Every gathering among the ancients to celebrate a Symposium acknowledged the god as the cause for it, and made use of chaplets appropriate to the gods as well as hymns and songs" (v: 192b). He also quotes Xenophon's description of a symposium in the *Anabasis* vi: 1, 5: "After they had poured libations and sang the paean, the Thracians rose up to begin the programme dancing in armour to a flute accompaniment.⁴⁹ Vulgar dances (*faulai orchēseis*) sometimes went together with hymns to Aphrodite and Dionysus."⁵⁰ There was thus no strict demarcation line between the sacred and the profane in this type of literature and in the pattern of life it tried to depict.⁵¹

Any concession to such customs was unthinkable to the Rabbinic authorities of the time. Their views, in fact, only make sense as a challenge to contemporary habits of this sort, as can be seen particularly in connection with the *Epikomion*.

Affinities between *Kiddush* and *Hallel* on the one side and prayers and songs as a constituent part of a Greek symposium on the other are of a general nature. Regarding the *nishmath* eulogy, however, traces of Greek rhetoric seem still recognizable. I am referring to certain characteristics of the *genos epideiktikon*, *panēgurikon* or *egkōmiastikon* or—in its Latin garb—the *genus demonstrativum* or *laudativum*. Speeches on public occasions and at the dinner table were meant to celebrate gods and emperors, heroes and distinguished personalities as well as countries and

⁴⁸ Quoted by MARTIN l.c., p. 251 f. PLUTARCH'S *Dinner of the Seven Wise Men* is arranged to honour and conciliate the goddess Aphrodite (146d). After the tables are cleared away, libations are poured out and repeated towards the end (150d and 164d).

⁴⁹ *Deipnosophists*, i: 15e. For chaplets, worn on *Sukkoth*, cf. *Jubilees*, xvi: 30.

⁵⁰ *Ibid.* xiv: 631d.

⁵¹ Plato would not consider the performances of flute girls and comedians as conducive to serious table talk (*Symposium* 176e, *Protagoras* 347c, and *Laws* 637a). Philo's criticism is nevertheless not without foundation. Cf. below p. 32, n.77.

towns.⁵² Greek and Roman rhetoricians tried to guide those upon whom the honour had been bestowed to address a festive audience. There was indeed a special kind of the *genus laudativum*, the so-called *logos basilikos*. In it, all the good qualities of the Emperor were described and amplified, and an affectation of personal inadequacy preceded the laudatory oration. Menander, for instance, who assembled the principal features of this literary species as early as in the fourth century B.C.E.,⁵³ offers the following simile for expressing an often-recurring rhetorical task: "As the eyes cannot measure the endless sea, thus one cannot easily describe the fame of the Emperor."⁵⁴ Such patterns were modified or copied for many centuries, and its offshoots can be traced down in Roman literature to the fifth century C.E.⁵⁵

The *proem* was followed by an enumeration of valiant deeds or in the case of gods, by a list of their special gifts to mankind. Quintilian's *Institutio Oratoria*⁵⁶ may be quoted as a theoretical manual of the first century C.E. "In praising the gods our first step will be to express our veneration of the majesty in general terms, next we shall proceed to praise the special power of the individual god and the discoveries whereby he has benefitted the human race" The *Nishmath* eulogy is thus a perfect example of a Hebrew *logos basilikos*, the *basileus* not being an emperor but the King of Kings. Its specific qualities outgrew in fact its generic characteristics and surpassed all traceable literary antecedents, royal or divine. The glories of the One God did not have to be divided into what was due to "Jupiter for the governance of all things, to Mars for his power in war, to Neptune for his authority over the sea." In the *birkhath ha-shir* "every mouth gives thanks

⁵² Cf. R. VOLKMANN, *Die Rhetorik der Griechen und Römer*, Leipzig 1885, pp. 314 ff.

⁵³ Cf. his *Peri Epideiktikōn*, ed. L. SPENGEL, *Rhetores Graeci*, iii, p. 368, Leipzig 1853-6.

⁶⁴ For the general popularity of such figures of speech see also *Canticles Rabbah*, I, 20.

⁶⁵ Cf. W. BARR, *The Panegyrics of Claudian on the Third and Fourth Consulates of Honorius*, Ph.D. thesis, University College London, 1952, pp. 38 f.: *Si partem (laudis) tacuisse velim, quodcumque relinquerim maius erit*. For an early Greek example, cf. THEOCRITUS, *A Praise of Ptolemy* (c. 275 B.C.E.), ed. A. S. F. GOW, Cambridge 1952, pp. 130 ff. Towards the end of this encomium, the king is described as "sitting enthroned in those broad plains." The suitability of the *Isaiah* quotation וְנָשָׂא רֵם כְּמֶלֶךְ עַל כְּנָסִים (הַיְחָד) הַיּוֹשֵׁב in the context of the *Nishmath* prayer will be readily perceived. On *amplificatio* or *auxēsis* see below pp. 33 f. The requirements of the species are here met by אֵלֶּה אֵלֶּיךָ אֵלֶּיךָ רַבּוֹת פְּעָמִים.

iii, vii, 6 f.

to the One King alone, to Him swears every tongue." A king of flesh and blood had long ceased to be the focus of Jewish admiration.

כל דכפין ייתי ויכל.

We have already touched upon the sociological importance of the first Mishnah of the tenth section in *Pesahim*, according to which even the poorest in Israel may not eat until he reclines and be offered not less than four cups of wine. The habits of a higher stratum of society which could afford to be served upon at dinner are here shared by everybody. The verbs *יפדוהו*, *הביאו*, *מזנו* are used impersonally not less than six times in this section. Yet it appears from the *Mishnah Pesahim*, vii: 13 that the word *shammashim*⁵⁷ is the implied subject of these sentences. The *Tosefta Pesahim*, x: 5 is still more explicit: "The *shammash* minces the entrails and puts them (as a kind of appetizer) before the guests, and though there is no proof for this (from the Bible), there is a hint, as it says: 'Break up for you a fallow ground, and sow not among thorns'" (*Jeremiah*, iv: 3). Athenaeus mentions sweetbreads, paunches and liver some twenty times in his *Deipnosophists*, and quotations from the whole range of Greek literature accentuate their common use and excellence. One poem, *The Banquet*, by Philoxenes of Cythera (fifth to fourth century) describes the arrangements of a dinner in the following manner: "And the slave set before us . . . meats of kid and lamb, boiled and roasted, and sweetest morsel of . . . entrails . . . , as the gods love" (iv: 146f-147a). Hillel and Shammai knew already of a *shammash talmidh hakham* and a *shammash 'am ha-'areš*, though not in connexion with Passover (*Berakhoth* 52b). The Exilarch with whom Rabbi Yehudah ben Bathyra II (c.200) dined on the eve of the Day of Atonement also had an attendant (*talya*) to wait upon them.⁵⁸ Another passage in P. *Shabbath* 3a, refers to a *mazoghah*,⁵⁹ a wine mixer who functioned at a banquet of Rabb.

⁵⁷ These *shammashim* were under obligation to fulfill all commandments appertaining to the Seder night. Cf. *Pesahim* 108a. For a similar linguistic usage on an ordinary occasion, see *Mishnah Berakhoth* vi: 6; *Tosefta*, *ibid.* iv: 8, 12 and *Gemara Berakhoth* 40a, 43a, *Yerushalmi*, *ibid.* 10d. Attendants (*diakonoi*) are also referred to in the above-mentioned description of the Therapeutic Meal: *De Vita Contemplativa*, 75.

⁵⁸ *Ekhah Rabbathi* (BUBER) on iii: 17.

⁵⁹ For occurrences of the term in the *Targumim*, cf. J. LEVY, *Wörterbuch über die Targumim*, s.v. *mazogha*.

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Athenaeus provides again the wider background by referring to table-makers, *trapetsopoioi*, who would "wash the dishes, get the lamps ready, prepare the libations and do everything else which it is their business to do." He also mentions table servers, *trapet-sokomoi*, or as the Romans called them *structores* (iv: 170d f). Elsewhere one comes across wine inspectors and wine pourers, *oinoptai* and *oinochooentes* (x: 425a). Some of these attendants, at least, were not slaves but young men, the sons of freemen (*hoi neoi tōn eleutherōn*, v: 192b).

There was, moreover, a special code for the Saturnalia (*nomoi prōtoi* and *nomoi deuterōi*)⁶⁰ which has come down to us in Lucian's *Kronosolon*⁶¹ (about 120-180). It was meant to further the idea of freedom and equality amongst men. "During these days the same honour should be bestowed upon all, the slaves and the free, the poor and the rich . . . nobody should count his money . . . nobody should write on this festival . . ." Presents consisting of clothes, domestic utensils and silverware should be given to all friends. It is interesting that the *Tosefta Pesahim*, x: 4 includes a similar exhortation. "It is a commandment to please one's children and the members of one's household . . . with wine. Rabbi Yehudah says, women with what is befitting them and children with what is befitting them." The P. Talmud (*Pes.* 37b) explains: Women with garments made of fine linen (*bussina*) and with belts, and children with nuts and almonds.⁶²

The First and Second Laws in Lucian's *Kronosolon* are immediately followed by the *nomoi sumptotikoi* which deal specifically with the festive meal held on the Saturnalia. At least some of these laws have strong structural affinities with the relevant section of the *Mishnah* and *Tosefta Pesahim*. We read, for instance, "as soon as the shadow of the sun-dial is six feet long one should go to the bath. Before it, one may play with nuts,⁶³ one may recline every-

⁶⁰ Cf. *Luciani Samosatensis Opera*, iii, ed. C. JACOBITZ, Leipzig 1813, pp. 308-11, section 396-401.

⁶¹ The combined word depicts Solon as the law-giver for these festive days which were devoted to the memory of Kronos, the father of Zeus, who ruled the world in its golden days.

⁶² Cf. S. LIEBERMAN, *Ha-Yerushalmi Kifshuto*, l.c. i, pp. 516 f, and with slight alterations *Pesahim* 109a. Wine is excluded from Lucian's list of suitable gifts. The poor scholar should reciprocate with an old book of sacred or sympotic contents. Presents are distributed to the guests at a dinner in Athenaeus iv: 128d-e. Two late Biblical books, *Esther*, ix: 19, 22 and *Nehemiah*, viii: 10, 12, seem to refer to presents of foodstuff only.

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where, i.e., without paying attention to status, family or wealth . . . all should drink of the same wine, all should have the same ration of meat. Equality for all should prevail . . . every rich man should inscribe these laws on a pillar of brass in his courtyard and take it to heart."⁶⁴

It is possible that the introductory passage of the Haggadah⁶⁵ כל דכפין ייתי ויכל כל דצריך ייתי ויפסח is to be interpreted in a way similar to the last paragraph of Lucian's *nomoi sumpotikoi*.

Such unqualified general invitation would serve as a kind of motto set over the whole Haggadah. Scholars have drawn attention to the fact that Rabh Huna (3rd century) used almost the same phrase when inviting the needy. כל מאן דצריך ליתי וליכול (*Ta'anith*, 20b). But the Aramaic of Rabh Huna's saying is of the Babylonian variety (ליתי instead of ייתי), whilst the Haggadah passage is written in Palestinian Aramaic. Moreover, Rabh Huna does not refer to Passover or any other holiday.

The second chapter of the *Book of Tobit* offers perhaps a nearer comparison to our Haggadah text. It speaks of the festival of *Shabhu'oth*. On that occasion a fine meal is prepared, and Tobit asks his son to go out and bring along any of their poor brethren who is mindful of the Lord. Co-ordination in liturgy and law is common in those early centuries of halakhic consolidation, and can be observed for the three festivals of pilgrimage, the awe-inspiring days, and even for *Hanukkah* and *Purim*.⁶⁶ Yet there is no mentioning of instruction or talk in the quotation from Tobit or in Rabh Huna's formula. The *ha lahma 'anya* passage, on the other hand, seems to present a fragmentary recollection of a *Seder* once held. The *theamaton*, the *maṣṣah*, is explained to the participants of the sacred meal; messianic expectations, or at least hopes for political freedom, are expressed, and a summary invitation is extended to the needy.

⁶⁴ *Ibid.* section 399-401.

⁶⁵ The verb *pasah* is used in a unique sense in this text. It may mean either to partake of the paschal lamb, which would presuppose a practice in the Diaspora, such as described in *Tosefta Beṣah* ii: 15, *Pesaḥim* 53a, *Yerushalmi Mo'ed Kaṭan* 81d and *Yerushalmi Beṣah* 61c, or it may simply stand for the participation in the Seder festivities. For the halakhic difficulties involved, cf. M. M. KASHER, l.c. pp. 106 ff and p. 99 (Hebrew numbering).

⁶⁶ Cf. *The Liturgy of Hanukkah*, l.c., pp. 105 f., 151.

⁶⁷ The playing with nuts on the festival of the Saturnalia is also mentioned by LUCIAN, l.c., sections 391 f and 400. It is not confined to children, however, as in Rabbinic sources.

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Plato dined and had discourse with the élite of his time. In Xenophon's *Banquet*, Socrates and Antisthenes figure prominently. Archestratus of Syracuse, a contemporary of Aristotle and author of a book entitled *Gastronomia*, suggests that there should be three or four people in all, or at most not more than five.⁶⁷ This is also the approximate number of the learned guests enumerated in the sympotic writings of Plutarch. The Haggadah thus combines a scholarly and a popular element. On the one hand we have the assembly of sages in B'ne B'rak, which seems to exclude even the pupils, on the other the wide opening of doors as expressed in כל דכפין ייתי ויכל. It is tempting to construct a gradual development, which started—as in Greece—with the secluded activity of the wise and ended—so differently—with the imitation of their practices by the whole people. Prior to the example set by the learned, the festive gatherings of ordinary folk lacked an elaborate setting.

Women take no part in the Seder liturgy. Apparently they did not even serve upon their guests and the members of their household. The Mishnah knows only of the paschal lamb prepared by husband or father for wife or daughter respectively.⁶⁸ On the other hand, no *Habhura* may be made up of women, slaves and minors.⁶⁹ Only one Baraita reckons with the possibility of women partaking in the table talk: "The wise son asks his father (about the laws of Passover), and if he is not wise, the wife asks her husband."⁷⁰ An Amora of the first generation, Joshua ben Levi, finds it necessary to state that women too are under obligation to drink the four cups, because they participated in the miracle of the Exodus (*Pesahim* 108b). Even reclining is not considered indispensable for a woman at her husband's side, only an אשה חשובה, a lady of high standing, is required to recline (*ibid.*).⁷¹

Women took no share in the serious talk of the Symposia of Plato, Xenophon and Plutarch, even if their admissibility was under discussion,⁷² or if they appeared at the beginning to attend to the guests.⁷³ In Lucian's *Symposium*⁷⁴ men and women are

⁶⁷ As recorded in *Athenaeus* i: 4e.

⁶⁸ *Pesahim*, viii: 1, cf. also the *Baraita*, quoted in *Pesahim* 88a.

⁶⁹ *Mishnah Pesahim*, viii: 7, *Tosefta*, *ibid.* viii: 6, and *Gemara* thereon.

⁷⁰ *Pesahim* 116a.

⁷¹ *Yerushalmi Pesahim* 37b allows for no social distinction, and makes reclining obligatory for an ordinary housewife as well.

⁷² Cf. *PLUTARCH, Quaestiones Convivales* i: 1 and *Macrobius*, vii: 1.

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seated separately, and Athenaeus, at least on one occasion, refers to the same arrangement as described in the work of an earlier poet.⁷⁵

Sympotic writers of a later period depict on the whole a mixed society. Invitations were issued indiscriminately to men and women alike, coarse talk became predominant, and vulgar ostentatiousness prevailed.⁷⁶ A comparison between the ethical level of this type of literature and the Haggadah is impossible.⁷⁷ Yet the Seder liturgy and its tannaitic sources reflect a lesser degree of asceticism and a higher measure of upper class urbanity than the description of the Therapeutic meal in Philo, or the synoptic records of Jesus' Last Supper.

מה נשתנה.

Early and late formulations of this passage, and its adaptation to changed circumstances have been sufficiently dealt with by a number of scholars. We are here only concerned with its setting in life. It appears to be an introductory question once raised at a Seder Symposium of the early tannaitic period, after which it became statutory for well nigh two millennia.

Plutarch's view on the essence of a sympotic talk has been quoted in the general introduction. According to Gellius, questions were not to be too serious. They may deal with a point touching on ancient history.⁷⁸ Macrobius too follows classical rules when he suggests that he who wishes to be a pleasant questioner should ask what can be easily answered,⁷⁹ and he should be sure that the subject had been thoroughly studied by the other person (vii: II, 3). The questions of the *mah nishtanah*, particularly in their *Urform*, are quite simple and meant to appeal to all participants of the festive meal.

It will be remembered that in Plutarch many questions are concerned with dietetic problems. Some should here be added which form the theme of a symposium and appear as an interrogative

⁷⁵ Cf. PLUTARCH, *Dinner of the Seven Wise Men*, 148c.

⁷⁶ Ed. A. HARMON, p. 420.

⁷⁷ *Athenaeus*, xiv: 644d.

⁷⁸ For a specifically religious occasion, however, cf. MACROBIUS' *Saturnalia* ii: 1, *Nos honorem Dei . . . nullo admixtu voluptatis augemus*.

⁷⁹ Even in PLATO's *Symposium* Alcibiades is so drunk that he can hardly stand (214a).

⁷⁸ Vol. II, Book vii: 13, Vol. III, Book xviii: 2.

⁷⁹ Cf. the mishnaic rule לשי דעתו של בן אביו מלמדו (*Pesahim* x: 4).

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sentence at the beginning of the relevant section: "Are different sorts of food or one single dish eaten at one meal more easily digestible?", "Does the sea or land afford better food?", "Why is hunger allayed by drinking but thirst increased by eating?", "Why do the Pythagoreans forbid to eat fish more strictly than other animals?"⁸⁰ In the *Attic Nights* of Gellius the question is once raised why oil congeals often and readily, wine seldom, vinegar hardly ever.⁸¹

If one were to translate these interrogative sentences into Hebrew, the tannaitic term *mah nishtanah* could be used for almost every question. The close connection between the *theamaton*, the food served and looked upon, and the conversation which centres around it can perhaps best be illustrated from a passage in Macrobius' *Saturnalia*. "Whilst Furius was still speaking, the dessert was brought in and gave rise to a new conversation."⁸² The dish itself became the *tsētēma*, the subject of enquiry. The Haggadah thus borrowed with extraordinary discrimination the external pattern of sympotic literature but remained single-minded in the pursuit of its sole aim, the religio-historical celebration of the Exodus from Egypt.

מעשה ברבי אליעזר.

The specific literary form of this fragment calls for a comparative investigation. As in the case of the *mah nishtanah* we seem to have before us a rudiment of a full record of a Seder gathering once held.

Athenaeus—or rather Masurius, a participant at one of his banquets—takes Epicurus to task because he did not specify place and time of the Symposium, and because he did not write a kind of foreword. Homer, on the other hand, is praised for his accuracy. He never fails to tell us about times, persons and occasions of the talk (*chronous, prosōpa kai aitias*).⁸³ Plutarch adheres to these generic rules with greatest accuracy almost throughout. The names of the leading participants of the banquet, its time and place are given at the beginning of each section. Macrobius offers an excellent parallel to our Haggadah passage, "During the Saturnalia,

⁸⁰ *Quaestiones Conviviales* iv: 1; iv: 4; vi: 3; viii: 8.

⁸¹ Vol. III, Book xvii: 8.

⁸² Book III, 18.1. Cf. also *ibid.* iii: 19, p. 400: "Because we see apples mixed with a dessert, we must now . . . discuss the different kinds of apples."

⁸³ v: 186e.

distinguished members of the aristocracy and other scholars (*nobilitatis procures doctique alii*), assembled at the house of Vettius Praetextatus to celebrate the festive time solemnly by a discourse befitting freemen . . .” The host proceeds to explain “the origin of the cult and the cause of the festival,” thus doing homage to religion by “devoting sacred study to the sacred days.”⁸⁴

Sometimes the talk lasted until dawn. As early as in Plato's *Symposium* the crowing of the cock reminds the guests to go home.⁸⁵ Socrates on that occasion went on to the Lyceum.

All these features of sympotic literature occur in the Haggadah's assembly of the sages. The people's names, the place, the time and occasion are stated. Moreover, the reclining scholars were *talking*⁸⁶ about the Exodus from Egypt, they were not yet midrashically *explaining* the passage in *Deuteronomy*, xxvi: 5ff, as demanded in the *Mishnah Pesahim*, x: 4. The *Tosefta a.l.* records another “Symposium” of a similar type. There too the people and the place are designated by name, and the occasion is described. Rabban Gamaliel II and the elders stand for the five scholars of the Haggadah, Lud replaces B'ne B'rak. As in Macrobius' *Saturnalia* even the name of the person in whose house the Seder was held has been handed down.⁸⁷ The time for the reading of the *Shema* replaces the crowing of the cock. As if to emphasise the sympotic setting, the *Tosefta* adds that the participants of the Seder removed the remnants of the food and cleared the table,⁸⁸ before they went to the *Beth ha-Midrash*. The statutory Midrash on *Deuteronomy* xxvi is not known to the *Tosefta* either. By its reference to the scholars' discussion of the laws of Passover, it steers

⁸⁴ i, vii, 8, 17. It belonged to these explanations to define the exact beginning of the *Saturnalia*: *Quando Saturnalia incipere dicamus, id est, quando crastinum diem initium sumere existimemus* (i, ii, 18). Without maintaining direct influence, one is reminded of the similar question of the Haggadah and the *Mekhilta* on *Exodus* xiii: 8 . . . יכול מבערב יום.

⁸⁵ 223c. In MACROBIUS' *Saturnalia* we read: *nec discedentes a se nisi ad nocturnam quietem* (i, i, 1). Cf., however, MARTIN, l.c., pp. 145-148. The crowing of the cock re-occurs as a *topos* in the relevant sections of the Synoptic Gospels.

⁸⁶ מבערב according to some versions. The passage is missing in SAADYA'S *Siddur* and in some *Genizah* fragments.

⁸⁷ The passages in *Pesahim* 100a and *Yerushalmi Pesahim* 37b differ in form and contents from our texts. Cf., however, *Kiddushin* 40b for a secular symposium: וכבר היה ר' טרפון וקניס סבובין בעליה בית נתנה בלוד נשאלה שאלה: חלמוד גדול או פסחה גדול? Sifre, FRIEDMANN, para. 41 adds the names of R. Jose ha-Gelili and R. Akiba. For further variants and parallel passages see *ibid*.

⁸⁸ We read ונעזרו מפניהם ועזרו against ZUCKERMANDEL'S . . . following S. LIEBERMAN'S *Tosefeth Rishonim*, i: Jerusalem 1937, p. 178. For the context cf. PLUTARCH'S *Dinner of the Seven Wise Men*, 150d, and *Berakhoth* 52a.

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a middle course between the free form of discussion which took place in B'ne B'rak and the apparently later requirements of the *Mishnah*.⁸⁹

כנגד ארבעה בנים דברה תורה.

Some sympotic writers would not admit the layman to the table of the learned. Others would be less exclusive. Athenaeus suggests all sorts of suitable combinations of those invited in order to create the right atmosphere at a dinner party, and refers again to Homer as a guide for the decision on such questions. In his epic he is said to have introduced guests "who differ in their ages and their views of life—Nestor, Ajax, Odysseus—all of whom . . . strive after excellence but have set out in specifically diverse paths to find it."⁹⁰ Gellius speaks of a banquet on the occasion of the Saturnalia, at which as many questions were asked as guests were invited.⁹¹ Sometimes sons joined their fathers for pleasant entertainment and scientific debate.⁹² Macrobius dedicates his *Saturnalia* to his son and finds nothing better than to instruct him.⁹³

According to Philo, there are four types of children. The best follow both parents, the father, who is representative of perfect Reason (*orthos logos*), and the mother, who stands for education (*paideia*). The wise should thus be furnished with the invisible ornaments of the soul and with those elements of knowledge which appear to the outside world.⁹⁴ Children who consider neither their father nor their mother are, we might say, *resha'im*. Intermediate are those who follow either father or mother (*filopatores* and *filomētores*). Bousset has drawn attention to the fact that Philo's *De Ebrietate* has come down to us in a very fragmentary condition.⁹⁵ One might add that even if we possessed the full text of this treatise, we could not hope to find an exact parallel between the philosophical distinctions of Philo and the popular Torah-centred divisions of the Rabbis. Yet it appears that we have to reckon with some form of influence which found its way from Alexandria to Jerusalem. Through Philo or some other Hellenistic

⁸⁹ Cf. also *Mekhilta* on *Exodus* xiii: 14.

⁹⁰ v: 187a f. and 177a f.

⁹¹ iii, xviii: 2.

⁹² XENOPHON'S *Banquet* iii: 12, and PLUTARCH'S *Quaestiones Convivales*, viii: 6.

⁹³ i, p. 2 (Preface).

⁹⁴ Cf. *De Ebrietate*, paras. 30-33, 35 and 68, and *De Congressu Eruditionis*, paras. 63-68.

⁹⁵ *Jüdisch-Christlicher Schulbetrieb in Alexandria und Rom*, Göttingen 1915, pp. 85-92. He does not refer to the Haggadah, however.

or Hellenistic-Jewish author the psychologizing typology of the four sons became widely known, was then linked with the relevant Pentateuchal exhortations and transformed, consciously or unconsciously, to serve the specific purpose of the Seder Night.

The transmission of the tannaitic sources⁹⁶ of this Haggadic passage show a significant uncertainty in the choice of their Biblical proof-texts. In addition, one quotation of the *Mekhilta* presupposes the text of the *Septuagint* and not that of the Masoretic Text.⁹⁷ The *Epikomion* leads back to the sympotic background. There is no doubt that this Greek word signifies originally the revelry which used to take place after the end of a banquet. The mishnaic ruling forbids the imitation of such practices.

Sometimes a heated discussion, an *agōn sofias*, took place between the participants of a banquet. It provided a vulgar kind of amusement and became a literary pattern in later Symposia literature. It seems that the phrase "blunt his teeth" which occurs in the answer to the wicked is reminiscent of such *topoi*. Some old versions, including the *Mekhilta*, still reflect a more direct attack on the *rasha'*: If you had been there, you would not have been redeemed. Our texts have usually the third person. Such reading weakens the immediate appeal of the original.

מתחיל בגנות ומסיים בשבח

"One begins with rebuke and concludes with praise." The meaning of this mishnaic passage and its relation to the following Midrash on *Deuteronomy*, xxvi: 5ff has hitherto perplexed many scholars. A solution of the problem involved is, I think, to be found in connection with the *genus laudativum* with which we are already familiar.

There were public orations which did not call for a tempered measure of glorification, such as certain *logoi basilikoi* or the *ברכת השיר*, but on the whole this literary species consists almost invariably of both *egkōmion* and *psogos*, *laus* and *contumelia*,⁹⁸ praise and rebuke. Excellence or perfection can after all best be judged against a background of adverse environmental circum-

⁹⁶ *Mekhilta* on *Exodus* xiii: 14 and *Yerushalmi Pesahim* 37d.

⁹⁷ *Deuteronomy* vi: 20 has אִתְּכֶם, the *Septuagint* hēmin.

⁹⁸ Thus QUINTILIAN (b. 35 C.E.) *Institutio Oratoria*, iii: 4.11: *Isocrates in omni genere (demonstrativo) inesse laudem ac vituperationem exstimavit*. Isocrates, who was a distinguished teacher of rhetoric in the fourth century B.C.E., wrote a well known Panegyric on Athens. He developed, in fact, the theory of the *genos epideiktikon*.

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stances or some fault or dubious quality⁹⁹ in the character of the person or people whose fame is to be extolled. In the words of Sopatros, "If we wish to express doubtful matters in the eulogy as definitely honourable, we mention by way of contrast those facts which seem worthy of detraction, and thus convert them into an encomium, so that our speech becomes entirely one of praise."¹⁰⁰

A shorter, yet not less straightforward comparison to the Mishnaic abstraction *מתחיל בגנות ומסיים בשבח* can be quoted from Pliny the Younger (about 100 C.E.) who exclaims in his *Epistolarum ad Traianum Liber Panegyricus: Quam utile est ad usum secundorum per adversa venisse*.¹⁰¹

On discussing the great variety which is required in the praise of men, Quintilian, the teacher of Pliny the Younger, is even more explicit and more to the point. He has this to say: "Regarding things preceding a man's birth there are his country . . . and his ancestors . . . (*Patria et parentes*) . . . It will be either creditable [to the object of a eulogy] not to have fallen short of the ancient fame [of his family] . . . or to have ennobled a humble origin by the glory of his achievements. Other topics to be drawn from the period preceding his birth will have reference to omens and prophecies foretelling his future greatness . . . At times weakness may contribute largely to our admiration . . ." ¹⁰² In the oldest as well as in the latest *Encomia*, *genos*, *ethnos*, *to kalon*, *ischus* and *praxeis* are concomitant features of the species,¹⁰³ whether the oration was given in praise of an Emperor, a public figure or—with slight adaptations—a city or a people. Moreover, panegyrics were often closely connected with the cult of a god in whose honour the festive assembly was held.

We now more readily understand the choice of *Deuteronomy*, xxvi: 5ff as the central passage of the Seder liturgy. By itself it has little to do with the three or four specific questions of the *mah nishtanah*. As a matter of fact, these sentences were normally recited in connection with the bringing of First Fruits to the Temple.¹⁰⁴

⁹⁹ Literally *adoxon* or *amfidoxon*. Cf. VOLKMANN, l.c. pp. 320 f.

¹⁰⁰ Quoted *ibid.* According to *Pauly-Wissowa*, this rhetorician and the time during which he lived cannot be identified with certainty.

¹⁰¹ Ed. M. SCHUSTER, Leipzig 1952, p. 404, para. 44.

¹⁰² *Institutio Oratoria*, l.c. iii, 7, 10-12.

¹⁰³ Additional characteristics of the *genus* such as education, study, wealth, and ethical virtues are left out in the Haggadah, because it is ultimately concerned with the praise of God. For practical examples cf. THEOCRITUS, *Encomium for Ptolemy*, l.c., and W. BARR, *The Panegyrics of Claudian*, l.c. pp. 40-45.

¹⁰⁴ Cf. *Mishnah Bikkurim*, iii, 5-7.

But there no *Midrash* was required.

In the Haggadah, however, the detailed exegesis of the Biblical sentences follows the pattern of the *genus laudativum*, applied here to a people, but viewed under the aspect of *Heilsgeschichte*. In a kind of *proem* starting with *ברוך שומר הבטחתו* we have the required reference to what Quintilian calls *responsa et auguria*. The Midrash then proceeds to juxtapose detraction and praise.

The first sentence deals with the humble origin of the Jewish people. In the midrashic interpretation of *Deuteronomy*, xxvi: 5, the sufferings of Jacob under Laban are accentuated. A literal exegesis of the verse, "A wandering Aramean was my father," would have achieved the same purpose, but Jewish tradition in both *Targumim* and in the *Sifre a.l.* stresses the adverse circumstances which forced Jacob to emigrate into a foreign country (*genos kai ethnos*).

Only few were those that went down to Egypt, but there they became a nation. The Midrash adds: a *distinct* nation. On גרול ועצום the proof-text is taken from *Exodus*, i: 7: "And the Children of Israel were fruitful and increased abundantly, and waxed exceedingly mighty" (*ischus*).

Israel's physical beauty is emphasised by the quotation from *Ezekiel*, xvi: 7: "... and thou hast become adorned with precious ornaments . . ." ¹⁰⁵ (*to kalon*).

From ויוציאנו ה' ממצרים up וירעו אותנו המצרים every reference to the people's early distinction in Egypt is dropped, and God alone becomes the object of the Encomium. The greater the people's misery, the greater His achievement. "He brought us out of Egypt, not by the hands of an angel, not by the hands of a seraph, and not by the hands of a messenger, but the Holy One, blessed be He, in His glory and by Himself." ¹⁰⁶

L. Prijs and P. Winter ¹⁰⁷ have independently drawn attention to the significance of this passage in the light of the *Septuagint* rendering of *Isaiah*, lxiii: 8, the former to stress midrashic influence

¹⁰⁵ The end of the verse ואת עידיה ועריה may not have belonged to the original proof-text.

¹⁰⁶ SAADYA and a number of *Genizah* fragments add על ידי הדבר, which must stand for targumic *memra*. Cf. I. ABRAHAMS, *Some Egyptian Fragments* . . . J.Q.R., x, 1898, pp. 41 ff.

¹⁰⁷ L. PRIJS, *Jüdische Tradition in der Septuaginta*, Leiden 1948, pp. 106 f. P. WINTER, *Isaiah lxiii: 9 (GK) and the Passover Haggadah*, *Vetus Testamentum*, iv: 4, 1954, pp. 439-441. For earlier observations in the same direction see E. D. GOLDSCHMIDT, *Die Pessach Haggadah*, Berlin 1937, p. 54. M.T.: ויהי להם למושיע בכל צרתם לא צר ושואך פניו דושיעם ou presbus oude angelos all' autos esösen autous.

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on the Greek version, the latter to suggest an original Hebrew text which has not survived (ציר instead of ציר).¹⁰⁸

The expression בכבודו ובעצמו is also related to the *Septuagint* on *Deuteronomy*, iv: 37. The Masoretic Text reads וירציאך בפניו במחך הגדול ממצרים. The Greek version renders this verse in the following manner: *kai exēgage se autos en tē ischui autou tē megalē ex Aiguptou*.¹⁰⁹ Onkelos, *Pseudo-Jonathan* and the *Peshitta* translate בפניו with באפי רעותיה, במימריה, בפריצויה, but it is possible that the Haggadah and the *Septuagint* followed an earlier Hebrew tradition.

Of further interest are the Greek terms *sēmeion* or *notarikon*¹¹⁰ as employed by R. Yehudah.

According to the *genos dikanikon*¹¹¹ which is closely connected with the *genos epideiktikon* and which deals with the technique of defence before a Court of Law, it was customary to conclude with a summary of the main facts of the case. The judge should thus be able to form his opinion without delay. This was called *anamnēsis*, *anakefalaiōsis* or in Latin *rerum repetitio*. Until now the word *notarikon* has been connected with a kind of shorthand used in the offices of lawyers.¹¹² It gains a more precise meaning in our context. Rabbi Yehudah offers a mnemo-technical help to the participants of the Seder so that they should remember the salient points hitherto made in praise of God.

If any doubt is left about the connection between the *genos epideiktikon* and the statutory Midrash of the Haggadah liturgy, the argument can be clinched by reference to the peculiar augmentation of the plagues from 10 to 50 and eventually to 250. Quintilian has it that the proper function of a panegyric is to amplify and embellish its themes: "*Proprium laudis est res amplificare et ornare*".¹¹³ Such *auxēsis*—as the Greeks call it—applies again to the eulogy of gods and men as well as to forensic oratory.¹¹⁴

¹⁰⁸ WINTER, I.C., compares *inter alia Jubilees* xv: 30-32 with our passage. See, however, *Jubilees* ii: 4. For a contrast to the theology of the Haggadah, cf. particularly *The Wisdom of Solomon*, xviii: 15 (ed. CHARLES). "Thine all powerful word leaped from heaven down from the royal throne, a stern warrior into the midst of the doomed land."

¹⁰⁹ In the same way the *Septuagint* add *autos* to their translation of *Deuteronomy* xxvi: 8. Cf. PRIJS, I.C. The Midrash on נחמה has been dealt with by GEIGER, *Urschrift* (2nd ed.), Frankfurt 1928, pp. 339 f. In this case, the Greek, Samaritan and Aramaic versions seem to presuppose נחמה in the original Hebrew. Only *Aquila* corresponds to נחמה.

¹¹⁰ *Tanḥuma*, BUBER, וואר, 8 reads נחמה in a related passage.

¹¹¹ Cf. VOLKMANN, I.C. pp. 21 ff. and 264 ff.

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Rabbi Jose ha-Gelili, Rabbi Eliezer, and Rabbi Akibah followed the literary fashion of their time to their own end. It is not so much the *quantitas verborum* as the *qualitas structuræ* which is decisive. They made use of the midrashic method, where their classical antecedents and the compiler of the *ברכת השיר* followed the more formal demands of rhetoric: *euruthmia* and *poikilia*. Philo, in describing the meal of the Therapeutæ, emphasises the fact that their *maggidh* or president, "has no thought of making a display, for he has no ambition to get a reputation for clever oratory."¹¹⁵ It is interesting that the very word he uses for "display" is *epideixis*. The Rabbis had—in their own way—overcome sectarian scrupulosity.

The Midrash occurs in at least four collections, in the *Mekhilta de-Rabbi Yishmael*, in the *Mekhilta de-Rabbi Simeon b. Yohai* (on *Exodus* xiv: 31),¹¹⁶ in *Exodus Rabbah* v: 14 and xxiii: 9 and in *Midrash Tehillim*, ed. Buber, on *Psalms* lxxviii, section 15.¹¹⁷

The words *מפרינס*, fourfold, and *פנמינס*, fivefold, used in the last-named version, betray formal Greek influence to such an extent that their occurrence in this context must be co-ordinated with the distinct aim of the whole Haggadah passage, viz.: *auxēsis* or exaggeration.

Buber's view, according to which the editor of *Midrash Tehillim* added these Greek words, cannot be accepted. Why should he have included them in a tannaitic text which would be perfectly understandable without them? Had they not been there, nobody would have missed them. On the contrary, the editor finds it necessary to explain the Greek words contained in the original text: *מפרינס שהוא פנמינס*.

It is not inconsistent with its high purpose that the tone of the Midrash is light, especially as the "play" is of no halakhic con-

¹¹⁵ *De Vita Contemplativa*, l.c., 75.

¹¹⁶ Ed. J. N. EPSTEIN, Jerusalem 1955.

¹¹⁷ *Targum Pseudo-Jonathan* on *Genesis* xv: 14 and the *Targum* on *Psalms* lxxviii: have also a reference to the 250 plagues.

¹¹⁸ Cf. e.g. BACHER, *Die Exegetische Terminologie der jüdischen Traditions-literatur*, II, Leipzig 1905, p. 124.

¹¹⁹ *Institutio Oratoria*, l.c., iii, vii, 6.

¹¹⁴ Cornificius, one of the first Roman rhetoricians before Cicero, expresses himself as follows: "*Conclusiones constant ex enumeratione, amplificatione (et commiseratione)*." Quoted by VOLKMANN, l.c., p. 263. A considerable number of Greek and Latin Encomia illustrate their relation to the theoretical requirements.

sequence. The more mirthful aspects of the sympotic pattern, *paidia* and *geloion*, are thus reflected. The interrogative particle מִיִּין which introduces the multiplied account of God's miracles may well be more than a mere tannaitic *terminus technicus*, as which it appears at first sight. We know from Plutarch that riddles played their part in making the theme of the table talk interesting for all participants. He recommends the habits of simple people who "set one another a-guessing at names comprised and hid under such and such numbers."¹¹⁸ Athenaeus too has a long section in his *Deipnosophists*, covering some 25 pages, in which the propriety of proposing riddles at table is proved by an abundance of literary examples.¹¹⁹ One quotation must suffice: "The solution of riddles is not alien to 'philosophy,' and the ancients used to make a display of their knowledge by means of them. . . . Answering the first guest who recited an epic or iambic line, each one in turn capped it with the next verse, or if one recited the gist of a passage, another answered with one from some other poet to show that he had spoken to the same effect" (x: 457c-e).

The Rabbis did not philosophize at the Seder table, but they had their *tsētēmata* with which they entertained themselves, their guests—if there were any—and those who came after them. That the learned sometimes proposed riddles and solved them at the same time is again not unusual. For this we have the authority of Macrobius: "*Quaestiones convivales vel proponas vel ipse dissolvas*" (vii, iii, 24). The rest of the *amplificatio* consists of a specification of miracles, chosen at random and not without variants in the different Haggadah versions and in midrashic sources. It ends in the glorification of God, the performer of all these marvellous deeds.¹²⁰

רִגְמַלְיָאֵל הִיָּה אֹמֵר

Because of the reference to the paschal lamb, many scholars assume that R. Gamaliel I is the author of this passage, though he is usually described as R. Gamaliel *ha-zaken*. According to their opinion, the words יִהְיוּ אֲבוֹתֵינוּ אוֹכְלִים בְּזֶמַן שְׁבִית הַמִּקְדָּשׁ קִים represent a later adjustment which became necessary after the

¹¹⁸ *Quaestiones Convivales*, Introduction to Book V.

¹¹⁹ x, 448b-459c.

¹²⁰ *Psalm* cxxxvi, which is generally considered to be very late, is recited in the second part of the Seder Service. It was apparently included in the liturgy, because it shares the function of *enumeratio* with the *dayyenu* passage and the *nishmath* eulogy.

destruction of the Temple. Brief explanatory references to the meaning of the ritual performed are familiar to students of Comparative Religion.

Yet in view of the fact that all Tannaim mentioned in the Haggadah belong to the second rather than to the first century, it becomes likely that the author of this saying was R. Gamaliel II. He was responsible for the redaction of the *'Amidah* and for the inclusion of the *למלשינים* section in it.¹²¹ He was, moreover, well acquainted with Graeco-Roman civilisation,¹²² and we have special references to the almost humanistic atmosphere which prevailed in his circle: "Permission was given to the House of R. Gamaliel to teach its pupils Greek, because they had a close relation with the (Roman) Government." His son, R. Simeon, confirms: "that there were a thousand young men in his father's House or Academy, five hundred of whom studied the Law, while the other five hundred studied Greek Wisdom."¹²³

In the light of such personal background and in connexion with our former findings, we may expect sympotic traces in the peculiar saying of R. Gamaliel as well. We have indeed fragments of grammatical compilations like those of the Alexandrian Herodian (second part of the second century C.E.), in which the various foods and drinks are used as catchwords, in order to classify them after the fashion of the glossographers. In this side-branch of Symposia Literature, which had its antecedents in some medico-dietetic writings of the first century B.C.E.,¹²⁴ one finds hardly any dialogue. Persons and actions appear only as a means to demonstrate learning. Usually only the name of the author of a statement is transmitted.

Macrobius makes interesting use of such philological and dietetic enquiries on the occasion of the banquet which he describes in his *Saturnalia*.¹²⁵ "Symmachus takes some nuts into his hands, and asks Servius about the cause and origin of the variety of names

¹²¹ In an oral communication, Dr. ROSENWASSER suggested to me that R. Gamaliel's utterance may be directed against the transformation of the Jewish Seder Meal by Judaeo-Christians into what later became the *deipnon kuriakon*. Cf. I, *Corinthians*, v: 6ff and xi: 23ff.

¹²² This applies equally to the other members of the assembly of the sages, with the possible exception of R. Tarfon. We know, e.g., that R. Gamaliel II, R. Joshua, R. Eleazar b. Azariah, R. Akiba and R. Eliezer b. Hyrkanos went to Rome and had discussions with various Gentile scholars and philosophers (*Gen. Rabbah*, xx: 6, *Ex. Rabbah* xxx: 6, *Mishnah 'Abhodhah Zarah* iv: 7, and *Gemara ad locum, Tosefta, ibid.* vi: 7). R. Eliezer b. Hyrkanos was famous for his knowledge of foreign languages (*Sanhedrin* 17b).

Continued at foot of next page

given to them. Servius answers that according to one school of scholars the walnut, *juglans*, derives its name a *juvando et a glande*. Gavius Bassus, however, is said to have connected *juglans* with Jupiter: *Juglans arbor proinde dicta est ac Jovis glans*. The nut is as it were worthy of the god."¹²⁶ Gavius Bassus lived in the first century B.C.E. and wrote a book *De Significatione Verborum*.¹²⁷ It is of special significance that most etymologies of this kind belong to the sacred sphere.¹²⁸

The Amora Rabha (fourth century) also required the lifting up of *Maṣṣah* and *Maror* for the reciting of R. Gamaliel's statement, though its mishnaic formulation does not yet indicate the necessity of an accompanying gesture. This does not mean that it was unknown. The Haggadah text *מַצָּה זוֹ שְׂאֵנוֹ אוֹכְלִים* as well as the above-quoted New Testament passages imply a general acceptance of this custom at an early stage of the development.

R. Gamaliel's etymology is sounder than that of Gavius Bassus, and, in fact, at least in two cases backed by pentateuchal proof-texts. It is nevertheless hardly accidental that he chose the glossographical method to impress the central message of the festival on the participants of the Seder. Goldschmidt has already sensed some formal inconsistency in the words *מַצָּה זוֹ שְׂאֵנוֹ אוֹכְלִים*. Without being aware of possible affinities with sympotic literature, he proposes an implied connexion between *מַצָּה* and *מוֹצֵיָא*, which would be quite possible in the realm of this sort of *Volksetymologien*. The fuller text of the statutory Haggadah allows for the suggestion that R. Gamaliel based his original saying on the Greek *to atsumon* for Hebrew *מַצָּה*. The proof-text would then employ the Septuagint rendering of *Exodus* xii: 39f . . . *ou gar atsumēthē*.¹²⁹ Professor

¹²⁶ Cf. also PLUTARCH, *Quaestiones Convivales*, l.c., VIII, quest. 6 and 7. Athenaeus, i: 12 d ff., iii: 106 bc. vii: 278a, etc.

¹²⁷ Cf. *Pauly-Wissowa*, s.v. Gavius Bassus.

¹²⁸ Cf. *Pauly-Wissowa*, s.v. Cloatius Verus. Early neo-Pythagorean influence may have played its part in the symbolism which was attached to the hallowed traditions of the Passover celebrations by way of "philology": "*Symbola sunt compendia, quae brevissima forma (dia brachutatōn fōnōn) largam doctrinam vel praeceptum morale continent*." Cf. O. CASEL, *De philosophorum Graecorum silentio mystico*, Giessen 1919, pp. 58 f, and PHILO, *De vita contemplativa* 78.

¹²⁹ Cf. also PHILO, *De Specialibus Legibus*, ii: 158. As an alternative, a pun between the Aramaic noun for *Maṣṣah*, *paṭira*, and the Aramaic verb, *peṭar*, to free, may be suggested.

¹²³ Cf. S. LIEBERMANN, *Greek in Jewish Palestine*, New York, 1942, p. 20, for the relevant sources.

¹²⁴ Cf. MARTIN, l.c., pp. 26 and 185-188.

¹²⁵ iii, xviii, 1-3.

Liebermann has assembled so many examples of Greek phrases¹⁰⁰ which remained in the context of Hebrew or Aramaic passages that such a device may have been used here as well, though there is no proof of it.

Should it then be said that form and content condition one another and that there is little difference between the Jewish and Greek legacies as far as Symposia literature is concerned? Such an evaluation cannot be expected after what has been said. It would do less than justice to either side.

There is with the classical authors a curiosity and vividness, an attempt to observe life and natural phenomena, above all a freedom of the enquiring mind which cannot be found in the Haggadah. On the other hand, there is on the Jewish side a singlemindedness of purpose and a deep faith which is both simple and moving. *tsêtein* in contrast to *tsêtein* is only a means to an ever-deepening confirmation of a certainty which was there before the search was started. The history of human efforts is concluded. Divine redemption at the End of Time, which may come tomorrow, is expected. Exactness of scientific endeavour is replaced by a precision of rules for the intermediate order of things. *Theamata* and *pragmata* are concentrated in the unchangeable and obligatory (פסח) מצה and פסח. Neither jugglers nor dancers are allowed to defile the "guarded night." Flute accompaniment is relegated to the public sacrifice of the פסח קרבן פסח.

The compilers of the Haggadah have made their own contribution to sympotic writings. It is, in fact, in all its fragmentary and perhaps clumsy state an unanswered challenge to its models.

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¹⁰⁰ Cf. S. LIEBERMANN, *Greek in Jewish Palestine*, New York 1942, pp. 21 ff.

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“ללא תולדות”

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THE WRITERS OF THE 'AGGADA AND THE GREEK GRAMMARIANS

by E. E. HALLEWY

In chapter 25 of his *Poetics*, Aristotle enumerates the types of arguments marshalled by his contemporaries against the Greek poets from Homer onwards. He also proposes methods of meeting their arguments in that same chapter. The Greek grammarians of Alexandria (the literary critics) followed in Aristotle's footsteps and added their own apologetics.

IV The writers of the Aggada, too, in their researches employed apologetical methods in resolving the difficulties posed by Biblical texts. Some of the conclusions they reached were identical with those of the Greek sages, as Professor Saul Lieberman has shown in his book *Hellenism in Jewish Palestine*, pp. 65 ff.

But the chief type of apologetic interpretation resorted to in the 'Aggada is that of reconstruction. The writers of the 'Aggada would reconstruct the Biblical narrative and lend it an entirely different aspect. In this way they would remove all the difficulties and objections. This method is based on the assumption that the Biblical text is extremely brief and elliptical in its treatment, sketching the plot in very general outlines and omitting the details and that this is the source of the difficulties and perplexities prompted by the Scriptural stories.

The writers of the 'Aggada expressed this idea by means of an apt parable: "Just as in the sea there are small waves between one big wave and another, so between every word (of the Decalogue and the same applies to all parts of the Pentateuch) are the fine points and letters of the Torah" (Yer. Sheqalim vi, 1). The writers of the 'Aggada regarded it as their function to search and discover the "small waves" between "the big waves".

In illustration of this method the writer of the article cites one example (the story of the sale of Joseph in the Pentateuch and 'Aggada) and shows that the objections raised against the Biblical story of the sale of Joseph by the 'Aggada belong to the same category of arguments enumerated by Aristotle in his *Poetics*. Similarly the answers and solutions propounded by the 'Aggada harmonise with the rules of literature formulated by Aristotle and his successors.

15.

TEXTS AND INTERPRETATION IN ROMAN AND JEWISH LAW*

David Daube

TO REDUCE the subject to manageable dimensions, we shall have to confine ourselves to the interpretation of statutes (omitting testaments, contracts, conveyances) and, indeed, on the whole, to such statutes as deal with private law (omitting religion, constitution, crime). Furthermore, we shall have to concentrate on certain periods and trends in the two laws; and we shall select our material with a view to two aims—firstly, to present in outline some dominant notions of each system, secondly, to achieve a little mutual illumination.

The discussion will fall into four parts. Part I, on the Roman *legis actio*; part II, on Pharisees and Sadducees; part III, on Hillel's work to overcome this division; and part IV, on the Samaritans.

I. THE LEGIS ACTIO

The XII Tables were the first major codification of Roman private law. They were intended securely to define the rights and duties of a citizen in relation to others, and in particular to safeguard him against arbitrary exactions. For the next two-and-a-half centuries, in principle, any position in private law had to conform either to the code or some subsequent enactment, and a man was exposed to no claim unsupported by statute.¹

How was this system possible considering the incompleteness of the XII Tables? For they were very incomplete. It was not only that, with a gradual change in economic and cultural conditions, new needs and problems arose which they could not have envisaged. Nor was it only that often they would speak of a somewhat narrow case, without considering other, similar ones. These are things that cannot surprise. What is remarkable is that, for reasons not here to be set out,² they were

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silent on topics which must have been of fair importance at the time. Nothing about an obligation to repay an informal loan. Nothing about ordinary damage to property by a *paterfamilias*.

It should not be argued that we may have lost these provisions. We need only point out that a comparable, Biblical codification, the Mishpatim, contained no rule concerning ordinary, direct damage to property, but, much like the XII Tables, regulated damage caused by my cattle or by a pit I have dug or by a fire I have made in my field.³ Nearly two hundred years after the XII Tables, the *lex Aquilia*, on which the entire classical law of damage to property was to rest, still dealt only with damage to animate objects, slaves and cattle,⁴ and the widest Biblical provision in this field, in Leviticus,⁵ was confined to damage to cattle. How, then, was it possible to require a statutory basis for all legal business?

One way of filling gaps was, of course, further legislation. Informal loans were made recoverable by a *lex Silia*,⁶ and we have just mentioned the *lex Aquilia*, about damage to property. But it is significant that these were measures of great moment. Legislation was less suitable for the continuous day-to-day adjustments called for in private law. For one thing, it involved a cumbersome machinery, as a rule set in motion only for political purposes. In private law, it was something of a last resort.

Among other methods of progress, interpretation—our main concern today—played a prominent part. In general, it followed sound lines from the outset, favouring a reasonable application of the code, neither too restrictive nor too broad. Thus the rule of the XII Tables that, while the normal period for usucaption was one year, it was to be two years for land was extended to buildings, but not beyond buildings to, say, boats.⁷ This example shows that there was no difficulty about one kind of gap at least; namely, that resulting from the fact that the XII Tables might confine themselves to the most conspicuous case, without paying attention to other similar ones. Interpretation was fully capable of rectifying this 'casuistic' bias of the code.⁸

A well-known illustration is furnished by the penalty of 25 coins imposed by the code for the cutting down of another man's tree. We are credibly informed of an occasion when somebody whose vines had been cut down claimed the fine. Had he referred to trees in this action, he would have won, but as he referred to vines, he lost.⁹ Evidently, interpretation was sufficiently liberal to subsume vines under trees; what could not be admitted was the replacement of a statutory ground of action, the law concerning the destruction of a tree, by a fresh, non-statutory demand concerning the destruction of a vine.

The case is widely believed to reveal the ritualistic, magical character of the procedure of that epoch, with a slip of the tongue entailing irretrievable defeat.¹⁰ This view is mistaken. There is no question of a slip of the tongue. Plaintiff definitely rested his claim, not on the statute,

but on what he considered a rational extension. In a system designed to provide security from arbitrary demands, it is quite understandable that the principle *nulla actio sine lege* should be jealously upheld. There is a great difference between allowing the law concerning the destruction of trees to cover that of vines—this the experts were prepared to do—and recognizing a new independent claim in respect of vines—this they refused to do. In the former case, the starting-point remains trees; once the starting-point is vines, the claim could be extended to strawberries—25 coins a plant. It may not be accidental that the lawsuit in question was presumably between a well-to-do owner of a vineyard and a person of lesser standing. We may add that, though it is quite conceivable that at one time, in the *legis actio*, a slip of the tongue or a careless gesture was fatal, there is not a shred of evidence to this effect in the Roman sources.

What about large, serious gaps? We have already seen that they could be closed by legislation. Could they be closed by means of interpretation—or rather, misinterpretation or re-interpretation? Clearly, if you want to read something into a code which is not there even *in nucleo*, you must do violence to its meaning.

In answering this question it seems that we have to distinguish.¹¹ Take emancipation, the release of a son or daughter from *patria potestas*. The need for this institution made itself felt some fifty years after the codification; and it was met by an ingenious exploitation of a rule originally not serving this purpose at all. Prior to and at the time of the XII Tables a *paterfamilias* financially embarrassed sometimes concluded a temporary sale of his son or daughter, who would have to work off the debt as the creditor's bondman or bondwoman. The XII Tables ordained that if a father sold his son three times, he was to lose his *patria potestas* over him.¹² (There was no point in legislating against a father who sold a child for good: his *potestas* lapsed anyhow.) This rule was now used to render possible the voluntary release of a son from *patria potestas*.¹³ A *paterfamilias* performed three fictitious conveyances to a friend; after the first and second the friend manumitted the son, who thereby returned under the father's power, after the third that power was gone. (Further details need not here be given.) In the case of a daughter or grandchild the procedure was even simpler, only one conveyance being requisite. For it was argued that, as the XII Tables spoke of three sales of a son, they intended *patria potestas* to be destroyed by one sale of a daughter or grandchild.

This treatment of a penal clause of the code as an authorization of emancipation—not to mention the wonderful reasoning *e contrario*, three sales of a son, hence one of a daughter—was neither literal nor liberal interpretation. It was a deliberate twisting of the original pronouncement. So interpretation—misinterpretation—here created an entirely fresh institution.

Two things, however, should be noticed. First, this institution did not affect anyone's security; it subjected no one to a claim, it deprived no one of a right. It enabled a *paterfamilias* to release his son or daughter, of which faculty he might or might not avail himself as he chose. There was no conflict with the chief object of the statute-bound system.

Secondly, in its original meaning, the rule of the XII Tables was probably obsolete within a very short time of being promulgated: disapproval of these repeated sales to relieve one's difficulties was so strong that they just stopped. Now it is far easier to base an innovation on a provision which has, so to speak, become free than on one still operating in its proper area. It can be shown that a thousand years after the XII Tables, when Justinian wanted more statements of principle for his compilation than he found in the classical writings, and often new principles too, and when to this end he generalized and revised classical texts, he preferably took such texts as had lost their own function, had become empty shells. For example, underlying his famous maxim that the Emperor is above the law is an observation by Ulpian that, whereas in general an unmarried or childless person could take nothing or only a part of what was left him in a will, the Emperor might dispense himself from these rules. As these rules were abolished by Constantine, Ulpian's remark concerning the Emperor's privilege had ceased to have any practical bearing some two hundred years before Justinian. It lay ready for fresh use.¹⁴ A paragraph in Deuteronomy¹⁵ lays down that if a woman intervenes in a fight between her husband and another man, striking at the latter's genitals, her hand is to be cut off. No doubt there was a time when this case had to be reckoned with,¹⁶ but one may question whether there was a single post-exilic occasion for the law to operate. It must have been a dead letter for centuries when, around New Testament times, the Rabbis interpreted it, misinterpreted it, as the Scriptural basis for an entirely non-Scriptural institution, damages for the infliction of indignity: that is to say, if I assault you—I hit you so that you lose an eye—I must make amends not only for the disability that results but also for the outrage to your honour.¹⁸

This natural predilection of innovating misinterpretation for laws that have lost their currency—natural because by selecting these laws, obviously, much confusion is avoided—does not depend on a theory like that evolved at some stage by the Rabbis, that the Mosaic legislation cannot contain a single superfluous clause. Certainly, such a theory would fortify that natural tendency. But the latter comes first and is far more universal.¹⁷

The important point, however, about the derivation of emancipation from a penal rule of the XII Tables is the first one: it did not clash with the idea of *legis actio*. By contrast, in matters where innovation brought with it claims not previously enforceable or a loss of rights previously acknowledged, in the period of *legis actio* it could not be effected by mis-

interpretation of this nature. It was a statute which made informal loans actionable, a statute which regulated the liability of a *paterfamilias* who killed or wounded another man's slave or beast. Similarly, the XII Tables had forbidden usucaption by a thief. When it was deemed desirable to extend this prohibition to third parties, even innocent ones into whose hands the object might come, it was done by the *lex Atinia*.¹⁸

There are indications that, prior to the *lex Silia*, a borrower who did not repay was occasionally sued *qua* thief, embezzler.¹⁹ This can have been only a *Notbehelf*, a most inadequate expedient. He would rarely have had any thievish intent, and condemnation for double the amount of the loan would be unsatisfactory for many reasons. Anyhow, if there were such attempts to squeeze the case in under a different heading, our contention receives powerful support. For they did not succeed, the kind of thing possible in connexion with emancipation was not possible here.

The treatment of the provision *adgnatus proximus familiam habeto*, 'the nearest agnate shall take the deceased's property', is no exception.²⁰ Certainly, in classical law, the term *adgnatus proximus* was credited with the artificially narrow meaning 'the nearest male agnate'; which, of course, debarred females from a right that the code had granted them. But we are expressly told—and it seems rash to substitute conjecture for information²¹—that for a long time, reasonably, the term had been taken to refer indiscriminately to males and females. It was only from about the middle of the second century B.C. that it was unduly pressed, and even then not at the free initiative of the interpreters, but in order to bring the provision into line with the *lex Voconia*,²² generally unfavourable to the amassing of wealth by women. Similarly, in classical law, *proximus adgnatus* was declared to mean 'the nearest agnate alone'—so that if he died before accepting or refused, there was no *successio graduum*, the estate was not offered to the next nearest. As Yaron has shown,²³ this is an artificial restriction of the sense of the term, the XII Tables did envisage *successio graduum*. But the restriction was not imposed until the late Republic, when it accompanied the praetorian reform in favour of cognates. This case of *adgnatus proximus familiam habeto*, then, is no evidence of an abolition of existing rights by misinterpretation in the first two-and-a-half centuries following the XII Tables.

What would have happened had the system of *legis actio* continued unmitigated, we cannot say. The fact is that from the second half of the third century B.C. a variety of relaxations occurred, and with the introduction in the second century of the formulary system, under which the praetor had wide powers of bringing the law up to date, an altogether different situation arose. Into this we shall not inquire. It may suffice to say that that security from high-handed measures which earlier on had been achieved by *nulla actio sine lege* was now achieved in

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other, more comfortable ways: by the public control over developments exercised through the by now well-equipped and experienced secular jurists, by the possibility, if a praetor supported unpopular interests, of electing one of a different colour the following year, and so on.

II. PHARISEES AND SADDUCEES

When we now turn to Jewish law, we are badly informed about the pre-exilic era, the whole stretch from 1200 to 600 B.C. What little we do know suggests that statutes were interpreted in a perfectly reasonable fashion. Nowhere do we come across any twisting of the sense of a law.

There was probably less need for it than in early Rome. Though a code like the Mishpatim, already quoted, may have pursued aims similar to those of the XII Tables, it is unlikely, considering the political and geographical conditions, that a rigid system of *legis actio* could ever establish itself. Decentralization, the competing claims of different regional and tribal centres, the enormous role of custom, the intervention of oracles and priestly decisions, *cadi* justice—all these were factors militating against a tidy development like the Roman. But even had there been a *legis actio*, it would not have been cramped like the Roman one: in the small Hebrew tribes, and later on in the two monarchies, it seems to have been easy enough to innovate by means of legislation—witness the numerous legislative components of the Bible.

At any rate, on the return from exile, about the middle of the sixth century B.C., the laws recorded in the Pentateuch were acclaimed as the one and only eternal constitution of Judaism. Not that there were no other binding rules. Far from it. To begin with, for the vast majority of the new community, recognition of the Pentateuch meant only that nothing must be done or taught in conflict with it. It did not prevent the religious leaders and sages from working out and sanctioning additional customs and doctrines. In fact, it appears that the immigrants from exile already brought with them a fair number of such accretions; and the next four centuries saw the erection of an imposing edifice of tenets and norms mostly novel, some of them sound extensions or modifications of Scriptural teachings—say, the prohibition to marry one's grandmother²⁴—but others with no basis in Scripture or even, on any objective reading of the text, against it: the belief in resurrection, proselyte baptism, regulations concerning prayer, the washing of hands before a meal, the reformed modes of capital punishment, monetary damages in the place of retaliation.

Essentially, what made this enormous accumulation of novel law binding was the respect for the wisdom and piety of its creators and guardians. They were looked up to as endowed with the faculty of advising safely on the right conduct in all matters, great and small. They were not prophets in the full sense of the Old Testament, speaking

as with the voice of God, but there was still a trace of prophecy in them, their judgement was inspired. The typical ordinance of the Pentateuch had taken the form 'Thou shalt' or 'Thou shalt not'. Now a more subdued form of directive became prevalent: 'One does' or 'One does not do so-and-so'. But even this subdued form was very authoritative, it stated the course you ought to take as the course in fact taken—'One does', 'One does not'—and generally without any reasoning: if you did not comply, you would be simply outside the valid order of things.²⁵

We have ample evidence about the way in which, soon after the outbreak of the Maccabean revolt against the Syrians in the second century B.C., the then prevailing law of Sabbatical rest was reformed, so as to allow fighting if the enemy attacked.²⁶ True, the prevailing law was itself of a non-Scriptural nature: in pre-exilic times self-defence was certainly not prohibited. Again, the circumstances were highly exceptional, and the reformers could point to a tragic experience which showed that resigned conservatism would spell destruction. (A similar experience at the hands of Ptolemy I had not led to reform,²⁷ and in the case of a private war the right to self-defence was dubious two hundred years after the Maccabean rising.²⁸) But what remains of interest is the personal ascendancy of the fiery Mattathias and his band in bringing about a change, and the absence of any appeal to a Biblical text.

Some circles may from the outset have failed to share the enthusiasm of the immigrants and their spiritual heirs for these developments. In the Maccabean period, a serious division came about. On the one hand, as the mirage of political salvation receded, the majority concentrated more and more on the elaboration of the sacred structure. On the other hand, an aristocratic minority questioned more and more openly the force of traditions devoid of Scriptural authority. Finally Pharisees and Sadducees were aligned against one another.

It is a common error²⁹ to consider the latter to have been literalists, rigorously sticking to the words of the written law. True, they refused recognition to the huge body of oral law observed by the Pharisees. But this did not mean literalism. It meant that, in matters not covered by Scripture, they favoured advance by free, rational proposal and counter-proposal, trial and error. And in matters which Scripture did pronounce on, they favoured genuine, reasonable, flexible interpretation. Josephus notes³⁰ that 'they held it a virtue to dispute with their teachers'.

That the results of such interpretation were sometimes nearer the Scriptural starting-point than was Pharisaic teaching was due not to any literalism on the part of the Sadducees, but to the often staggering deviation of Pharisaic teaching from Scripture. In the case of deliberate injury the Sadducees upheld the principle of retaliation enunciated in the Pentateuch:³¹ 'As he hath done, so shall it be done unto him,

breach for breach, eye for eye, tooth for tooth.' The Pharisees went over to monetary damages.³² The Sadducean interpretation was not narrow, it was sound. It was Pharisaic practice, under the auspices of wise and holy men, which did away with the old principle.

The current misconception is due to the fact that for the past thousand years or so those who have written on Jewish history, whether themselves Jewish or Gentile, have looked at it through Pharisaic spectacles. The Pharisaic results are the accepted ones, and on the whole judged to flow naturally from a vigorous, liberal exegesis. Where the Sadducees differ, they must be sticklers for the letter. The Pharisaic treatment of 'eye for eye' is very popular, always quoted as a splendid example of progress. Progress it was, but the way it was attached to Scripture was not interpretation literal or liberal, but misinterpretation, an *ex post facto* harmonization of the texts with a state of law radically differing from that which they contemplated; it involved the most painful contortions. As if nowadays the Act which makes the murder of a policeman capital had to be shown to mean that the murderer must be sent to university to study moral philosophy.

It is easy to find instances from the same branch of law as 'eye for eye' where the Pharisees stuck to the earlier practice and the Sadducees moved on, though, as already remarked, they never went to the length of those contortions.

The Pentateuch imposes on a false witness the punishment he would have brought on the accused. According to the Pharisees, the witness was to suffer such punishment only if the action had been unsuccessful, according to the Sadducees only if it had succeeded.³³ The Pharisees relied on the clause 'Then shall ye do unto him as he had thought to do unto his brother', accenting the words 'as he had thought'. The Sadducees relied on the concluding sentence, 'Life for life, eye for eye', etc., arguing that this presupposed that the accused had in fact lost his life or eye.³⁴

The Sadducean interpretation was far from violent; how little violent may be seen from the fact that some scholars, for instance, Finkelstein,³⁵ still regard it as correct, and the Pharisaic one as an innovation. It is, however, the harsher, Pharisaic view which was in accordance with the original meaning.

The Pentateuchic provision simply does not consider the case—no more than does the Code of Hammurabi or Assyrian law³⁶—where an innocent person has actually been executed or deprived of eyes or hands. For one thing, it is assumed that that case does not occur. We must also remember that, at the time, it would be a case most difficult of regulation. Once the penalty has been carried out, the matter involves not only the parties, but also the judges and indeed all members of the community having taken part in the proceedings. There is a yet deeper factor at work. The crime of the false witness is not an ordinary

attempt to injure or kill. In general, in Biblical law, attempt as such is not punishable at all. It is an attempt availing itself of that public machinery which is created to defend society from its enemies. This machinery you set in motion at your risk. There will be between you and the man you accuse something like a single combat, a duel, an ordeal. According as to which of you is in the right, either he or you will be defeated—but not one after the other.³⁷ Even the language of the law is a little reminiscent of battle: 'If a false witness stand up'. It does not seem here to mean merely 'to get up in the assembly'; it has a combative sound.³⁸ The text goes on to speak of 'the two men between whom the controversy is'—meaning the witness and the accused. (Incidentally, in the formula 'life for life', etc., instead of *tahath*, 'under', 'in the place of', 'in substitution for', occurring, e.g. in Exodus 21.33 f., we find the vaguer preposition *be*. It may have been thought more suitable for this case, where no loss has actually been suffered.³⁹)

According to Geiger,⁴⁰ the Rabbinic sources slip up in depicting the Pharisaic attitude. He contends that to punish a false witness only if he is unsuccessful would be absurd, contrary to all moral feeling; the Pharisees must have punished him both if he was unsuccessful and if his action had led to the accused's death or mutilation. Finkelstein agrees.

But the sources are unambiguous;⁴¹ and Geiger and Finkelstein argue from the standpoint of the nineteenth or twentieth century, leaving out of account the element of combat, the averseness to a formal admission that a court might be wrong in a matter of life or limb, and the importance in ancient times of putting an end to a case before the whole community is engulfed in strife. The medieval Spanish commentators showed insight when they explained the law as resting on the consideration that if a court, having first executed the accused, were then to proceed to execute the witnesses, respect for justice and its administration would decline.⁴² In any case, the account of the Rabbinic sources is confirmed not only by comparative law but also by Josephus,⁴³ who refers to what the wrongly accused 'was about to suffer'. In the case of Susannah and the Elders, to be discussed below, the accusers were put to death having failed in their plot; and there is no record anywhere of false witnesses having been called to account after procuring their victim's death or mutilation.⁴⁴

Undeniably, then, as far as the false witnesses are concerned, it was the Sadducees who rationalized the law, bringing it into line with the general treatment of completed crime and attempted crime. The difference between what they did with this law and what the Pharisees did to 'eye for eye' is that their modernization could be not implausibly read out of the text. The law ends by quoting the formula of talion. This, the Sadducees declared, showed that a false witness was to be punished only where the formula could really apply, i.e. where he had succeeded. A tenable piece of interpretation.

Actually, it is quite likely that the Sadducees, who were early open to foreign influences, preceded the Pharisees by half a century or so in borrowing from Hellenistic theory of interpretation, and establishing a number of acceptable canons to be applied to Biblical statutes. But leaving aside this particular question, what we do know is that they could make excellent use of an argument like *a fortiori*.

In the Pentateuch it is provided that an owner is liable for damage done by his animal. The Sadducees extended this rule to the owner of a slave.⁴⁶ Their deduction is preserved. Scripture, they argued, imposes no duties on a man in regard to his animal, whereas it does impose duties on him in regard to his slave—to circumcise him, see that he takes part in the Passover, release him in the seventh year, etc. If, then, the law declares him liable for his animal, in regard to which he has no duties, he must all the more be liable for his slave, in regard to whom he has duties.⁴⁶ We need not for the moment go into the Pharisaic reply.⁴⁷ Clearly, the Biblical text itself contained no reference to an obligation to make amends for damage done by a slave. The Sadducees introduced this weighty innovation by means of a liberal, maybe excessively liberal, conclusion *a fortiori*. To make them into narrow, Caraitic-like advocates of the letter seems utterly mistaken.

Incidentally, at first sight it may seem strange that it was the wealthy Sadducees, more likely to own slaves than the Pharisees, who supported liability for damage done by a slave. It is, however, an interesting illustration of the remark by Josephus⁴⁸ that 'the Sadducees are rather savage even among themselves'. This small, distinguished, well-to-do group would incline to strict protection of property. We shall come back to the point.

A grave flaw of the Sadducean position was the insecurity which it entailed. Especially where the written law was silent—and that included large areas—as they assigned no authority to tradition, they must have found it difficult to be reliable and coherent. The Pharisees made the most of this weakness; and a day, probably in January 100 B.C., when a purely Pharisaic Sanhedrin resulted from the inability of Sadducean judges to give well-founded decisions became a festival in the Pharisaic calendar.⁴⁹

On the other hand, the attitude of the Sadducees drove the Pharisees to take increasing notice of Scripture in any changes that became desirable. The legend of Susannah and the Elders, a Pharisaic work of the beginning of the first century B.C. (about the same time as that discomfiture of Sadducean judges), is significant.

Susannah, a virtuous married woman, was charged by two old men whose advances she rejected, with having been surprised by them in the arms of a paramour. Her two accusers, in the ceremonious way we know from the Bible,⁵⁰ jointly placed their hands on her head to testify against her. She was sentenced to death, but as she was led out to execu-

tion, 'an angel bestowed a spirit of discernment on a young man'. He exclaimed that the judges had condemned her 'without examining the witnesses and knowing for certain'. He separated the two accusers and asked each in turn under what kind of tree the crime had taken place. One said a mastick tree, the other a holm tree. The contradiction showed their witness false, Susannah was saved and the two Elders suffered death instead. (Nobody has suggested that the young man might have been the paramour.)

The purpose of the story was to secure acceptance of a new method of hearing witnesses, namely, in the absence of one another. This is the method prescribed in later Rabbinic codes,⁵¹ and probably presupposed by Mark⁵² when he informs us that the prosecution of Jesus for his utterance concerning the destruction of the temple broke down because 'the witnesses did not agree together'. By the way, while in continental criminal proceedings, witnesses must be heard in the absence of one another,⁵³ English judges are allowed, if they like, to be content with the pre-Susannah method. Scots law, at one time Rabbinical, has shifted towards English, but it is still possible to object to a witness who was present at a previous witness's examination unless the court is of opinion that he has not thereby been unduly instructed.⁵⁴ The English attitude in the matter is no doubt connected with the role of the cross-examination.

On what grounds, in the expectation of the author of the work, would people accept the innovation—apart, of course, from the happy outcome in this case? They would accept it, above all, because the young man demonstrating it had done so in a spirit of discernment granted him by God. Here we have the original basis of all the novel post-exilic customs and doctrines, and a hundred years earlier it might have been enough. But by this time, under prolonged pressure from Sadducean theory, even the Pharisees began to look for Scriptural support for a fresh departure. So we find a little more: the young man maintained that Susannah had been sentenced without examination of witnesses and certain knowledge. He was made to refer, that is, to the laws in Deuteronomy enjoining 'diligent examination' and 'inquisition' with a view to making 'certain'. These laws, he implied, were properly fulfilled only by the new method.⁵⁵ To some extent, indeed, his discovery of Scriptural support would itself now be an effect of the spirit God conferred on him.

(The laws are Deuteronomy 13.15, 17.4, 19.18. The allusion in Susannah 48 is to 13.15 rather than 17.4 and 19.18—no need here to go into the reason for this preference. As the concordances show, *anakrino*, 'to examine', corresponds to Hebrew *haqar*, which is in 13.15 only; and *saphes*, 'certain', to *nakhon*, which is in 13.15 and 17.4, but which the LXX omits from the latter verse. Kay translates *saphes* by 'truth',⁵⁶ which is not quite accurate. To be sure *'emeth*, 'truth', also

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occurs in 13.15 (and 17.4), but the LXX has *alethes* for it. It is noteworthy that in the Mishnah *haqar* is the technical term for the vital examination of witnesses as to time and place of the crime.⁵⁷)

III. HILLEL

Half a century later, about 30 B.C., the greatest Pharisaic scholar of all times, Hillel, not without some difficulty, convinced his party that the main Sadducean point had to be conceded: in principle there could be no binding law independent of Scripture. But the way he convinced them was by showing that nothing would be lost; and that by energetic and systematic interpretation, the entire mass of traditional observances, sanctioned over the centuries by the religious leaders and sages, could be derived from the Pentateuch. Indeed, he explained that it was possible to recover in this fashion even forgotten parts of the oral tradition—say, the rule that the Passover must be offered even if the date should happen to be a Sabbath, which was otherwise to be scrupulously kept. One might, for example, argue *a fortiori*: Scripture does not threaten with extirpation him who fails to bring the daily offering, but it does him who fails to bring the Passover.⁵⁸ As Scripture expressly lays down that the daily offering takes precedence over the Sabbath,⁵⁹ the Passover must all the more take precedence.⁶⁰

In a previous lecture I had the honour to deliver in this building, I enlarged on the Hellenistic-rhetorical elements noticeable both in Hillel's general approach to the problem of written law and oral law, and in the seven modes of interpretation he promulgated—the reasoning *a fortiori*, from analogy, from context, from the sequence of general and special terms and so forth. At the same time I emphasized the thorough Judaization which such foreign notions as he found useful underwent at his hands. Even though after an interval of twelve years the risk of anyone remembering what I said is small, I do not wish to repeat these and allied points.⁶¹ Here attention need be drawn only to some consequences of his victory which bear on a comparison with Rome.

As a result of his victory, it became the task of the Rabbis—towards which steps had indeed been taken for some time—to rest on the Pentateuch all the regulations that had accumulated outside it as well as any new ones as they became necessary. At first sight this idea is highly reminiscent of that underlying *legis actio*; but it was extraordinary in the circumstances, as will be manifest when we contrast the Jewish situation with the Roman.

At Rome, the requirement of a statutory basis for any position and claim characterized a relatively early period, 450 to 200 B.C., when the community was small, chiefly agricultural and self-contained; as these conditions changed, the system was replaced by the flexible, formulary

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one. Jewish law became statute-bound at an advanced, Hellenized, urbanized, commercialized stage, about 30 B.C. At Rome, even during the period of *legis actio*, at a pinch reforms could be effected by adding fresh statutes to those existing. The Jewish system established by Hillel, though there were a few loopholes, was closed, without a legislature. At Rome, the statutes on which, during the *legis actio*, any position and claim had to be based were of more or less recent date. By the age of Hillel, considerable portions of Pentateuchic law—the Mishpatim, for example—were about one thousand years old, and it was four hundred years since the final acknowledgment of the Pentateuch by those returning from exile. Yet the Pentateuch was to carry the whole weight of law, religious and secular, which prevailed among Jews around 30 B.C. plus any further developments at any given future date. With a little exaggeration, we might say that it was as if Paul or Justinian had decided that all law present and future must rest on the XII Tables, and that it was in fact possible directly to derive from them innominate contracts, *fideicommissa*, the formulary system or *cognitio extraordinaria*, the rights of the Emperor and his wife, the legal status of the Christian Church, etc. etc. The point is that we must not, because of the strong, superficial similarity, lose sight of the profound difference in aim and direction between *legis actio* and Hillel's adherence to statute: whereas *legis actio* was conceived as a guarantee against measures which the community had not accepted, Hillel sought to gain the bindingness of statute law for a body of rulings which had long enjoyed the *de facto* recognition of the majority, but which a stubborn minority repudiated.

It will not surprise that a very great deal of Rabbinic exegesis under this regime was of the type exemplified at Rome by emancipation, the twisting of a penal provision of the XII Tables into an authorization of a new institution. That is to say, it was neither literal nor liberal interpretation of the texts, but misinterpretation. Take fighting on a Sabbath, proselyte baptism, the washing of hands before a meal, the reformed modes of capital punishment and monetary damages in the place of retaliation.

That a siege once begun by a Jewish army need not be interrupted on the Sabbath was proved from Scripture by Hillel himself. This was indeed a more generous concession than that granted by the Maccabees—the right to ward off a direct attack. He quoted Deuteronomy: 'Only those trees which are not for meat, those shalt thou cut down and build bulwarks against the city that maketh war with thee until it be subdued.' 'Until it be subdued', Hillel explained, meant without desisting on the Sabbath.⁶² Later on, we find a large number of texts pressed into the service of the more general proposition, that human life is more important than the Sabbath. For example, 'Wherefore the children of Israel shall keep the sabbath, to observe the sabbath throughout their

generations.' 'Throughout their generations' was taken to mean 'each man during his generation'; so you must, if it is necessary to save a man, desecrate the Sabbath, in order that he may observe other Sabbaths for the rest of his life, during his generation.⁶³ Or again, 'Ye shall keep my statutes, which a man shall do and shall live in them.' 'He shall live in them'—not die, so no life may be sacrificed for the sake of the Sabbath.⁶⁴

The Bible makes no mention of proselyte baptism; it came up after the return, when in the case of women above all, the mere fact of marrying a Jew was no longer enough.⁶⁵ None the less the Rabbis found it in the Bible—in the chapters about the entry of the Israelites themselves into the Sinaitic covenant; and occasionally, the Biblical rules concerning contact with a corpse or tomb were invoked, the proselyte's state prior to conversion being likened to life among the dead.⁶⁶

The washing of hands before a meal was one of the extra-Scriptural customs sanctioned by tradition, as we know from the New Testament. It always remained problematic, and one Rabbi was apparently placed under a ban for doubting whether, in the absence of a text, the authority of the sages was adequate in the matter of uncleanness of hands. An attempt to base it on the exhortation 'Sanctify yourselves' only underlines its precarious nature.⁶⁷

The Biblical modes of capital punishment are stoning and burning. Towards the end of the pre-Christian era, owing to the stress laid on bodily resurrection, Pharisaic practice switched over to strangulation as the normal mode: this left the skeleton intact. It was the same movement that accounts for the concern of the Fourth Gospel in the legs of Jesus having remained unbroken.⁶⁸ How did the Rabbis get Scriptural support for strangulation? By the following deduction: the Bible often speaks of God punishing a sinner with death. Just as in this case there may be no visible damage to the body, so there must be none where it speaks of the death penalty to be inflicted by man.⁶⁹

We have already cited the Pentateuchic law prescribing retaliation for deliberate injury: 'As he hath done, so shall it be done unto him, eye for eye' and so on. The Pharisees substituted money damages. But they had to prove that it was money damages that the original formulation envisaged. It was not easy. They made much of the fact that the law happens to stand together with a provision concerning reparation for killing another man's beast—clearly monetary. So it must also, they argued, be monetary in the case of injury to a man. That, however, gave rise to the further question why the Bible, though having in mind monetary damages, used a formulation at first sight pointing a different way; and more subtleties had to be introduced.

It is largely on account of this wide use of misinterpretation and the resulting complications that Rabbinic discussion seems so hopelessly muddled to the ordinary modern reader. To be able to cope, you must

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either be brought up in it, so that you accept the far-fetched as natural, or understand the historical setting, so that you see how the need for the far-fetched arose and what purpose it served.

Let us look at one more example, from damage to property. We observed towards the beginning that in the ancient Biblical code which deals with private law, damage done by a man in person is not regulated; the code regulates only damage caused by a man's cattle or by a pit he has dug or by a fire which spreads from his field on to the neighbour's. The Rabbis rested on this code the greater part of the law of damage to property, including damage by a man in person.⁷⁰ The code distinguishes between an ox which does damage for the first time, with the owner liable for half the loss, and an ox known to be aggressive, with the owner liable in full. The Rabbis interpreted the aggressive ox as standing for any animate being likely to cause damage. Man was brought under this heading. And it was under this heading that his liability in full for any damage done by him in person had its Scriptural basis.⁷¹

Think of it. A legal system in which, if you do damage *corpore corpori*, you are liable *qua* attested ox, *qua* ox of which it is certified that he had done harm before.

The remarkable thing is that all this worked. Pharisaism's way of life and doctrines were strengthened so as to survive the destruction of the Temple, the loss of the State, the vicissitudes of dispersion, good fortune and ill fortune; while the Sadducees, their principal demand met (however speciously), rapidly lost in influence. Moreover, the Rabbinic amalgamation of written law and oral, though a labyrinth to the uninitiated, proved eminently practicable, adaptable to change and stimulating throughout the ages. It just shows that, in jurisprudence as in poetry, you can make the rules of the game almost as hard as you like—if only you find big enough geniuses to handle them, the product will be satisfactory. And, of course, in Jewish history, it is usually the fantastic which succeeds.

We do not wish to give the impression that legal advance in Judaism was exclusively of this kind—the substantial innovation first and its attachment to Scripture *ex post facto*. Obviously, there was a very great deal of genuine following out, elaboration, refinement of Pentateuchic precepts. For hundreds of years before Hillel, that sacred revelation had been read and re-read, studied in every detail, with no law left unscrutinized both as to its plain meaning and as to its relation to other laws. There is nothing artificial, for example, about the extension of the rules speaking of damage done by or to an ox to damage done by or to other cattle, to which case we shall return in the next section, on the Samaritans (though, even here, the precise mode in which the Rabbis justified the extension need not be ancient). Even the Sadducean extension of the rules concerning damage done by cattle to damage

done by slaves might owe something to an intensive occupation with the original provisions.

Nevertheless, between the return from exile and Hillel extra-Scriptural reform played an enormous role. It is a fact that the Pentateuch contains no reference, explicit or implicit, to the circumstances in which you might or might not fight on the Sabbath, to proselyte baptism, to the washing of hands before a meal, to strangulation as a mode of capital punishment, or—another question to be taken up in the next section—to bodily resurrection; it is a fact that the Pentateuch demands retaliation. The extremely forced character of the connexion which the Rabbis postulated between their view and the texts confirms the suspicion that we have to do with legitimization *per subsequentem interpretationem*. As for damage to property done by a *paterfamilias* himself, it is a fact that it is not regulated by the Mishpatim. But it is impossible to assume that, while he had to pay up if fire spread from his field to his neighbour's or if his cattle pastured on another man's land, he was free if he himself damaged another man's plough; and no less impossible that liability in this case was from the outset based on the notion of man as an attested danger, as an aggressive ox. This was the basis supplied around New Testament times to a longstanding practice. (It is so artificial—one asks oneself whether the Rabbis could not have found a more plausible one, say, the provision in Leviticus⁷² ordaining compensation in the event of a man killing another man's beast: it would not have been beyond their powers to prove that this provision applied to inanimate goods as well. At a later date they did in fact broaden its scope. But, in their first systematic efforts to provide private law with Scriptural backing, they proceeded from the only major private law collection of the Bible, the Mishpatim, and just made do with what was available there.⁷³)

The Rabbis were not unaware of the nature of their work, its delicacy, its vulnerability. The Mishnah, redacted about 200 A.D., declares that whereas the prevalent rules concerning incest and other prohibited intercourse have firm Scriptural support, those concerning the Sabbath are 'as mountains hanging by a hair':⁷⁴ a vast number of them founded on a few sketchy texts.

Some hundred years before the redaction, a Rabbi Jose ben Taddai tried to reduce *ad absurdum* the entire Rabbinic system of interpretation, by proposing an argument *a fortiori* which culminated in the prohibition of marrying a girl while her mother's marriage was still on. Here is his argument.⁷⁵ Scripture debars me from marrying my daughter. As I am debarred from marrying my daughter, with whose mother I may have intercourse, I must all the more be debarred from marrying a girl with whose mother I may have no intercourse, i.e. whose mother's marriage is still on. Ergo I am confined to marrying one whose mother is a widow or a divorcee.

Gamaliel II, of Jabneh, President of the Sanhedrin at the time, placed the rebel under a ban. Not, however, without having produced a beautiful refutation. He pointed out that Scripture states in so many words that the high priest 'shall take a virgin to wife'.⁷⁶ Now the high priest is not only, like anyone, forbidden to have intercourse with a married woman; he may not even marry a widow or divorcee.⁷⁷ Consequently, if he is to marry at all, he must of necessity marry a girl whose mother he may not take. Yet Scripture in the verse just quoted does enjoin or allow him to marry; and if the high priest may marry a girl whose mother he may not take, an ordinary Israelite must certainly be permitted the same. So I can marry a girl while her mother's marriage is still on, Jose ben Taddai's argument runs counter to an express directive in the written law.⁷⁸

Though we do not intend here to go into the language of Rabbinic discussion, we may perhaps just mention that, in the original, the defence of Gamaliel consists of one sentence: 'Go out and provide for the high priest about whom it is written, He shall take a virgin, and I will provide for all Israel.'

What is more relevant to our topic is a significant difference between the way Gamaliel refuted Jose ben Taddai and the earlier refutation by the Pharisees of the Sadducean argument *a fortiori* concerning slaves. The Sadducees, it will be recalled, had argued that as Scripture declares a man liable for damage done by his cattle, though he has no duties in regard to his cattle, he must all the more be liable for damage done by his slave, in regard to whom he does have duties. The Pharisaic reply was that one could not argue from cattle to slave, since the latter had understanding and might, if his master was liable, deliberately ruin him by doing extensive damage to a third party. This was a kind of *reductio ad absurdum*: according to the Pharisees, in an extreme case the Sadducean proposal would lead to an insufferable result.⁷⁹ When Jose ben Taddai advanced his argument *a fortiori*, it would apparently no longer have been good enough to point out that its acceptance would make marriages rare and chancy affairs. On the contrary, he knew this and proposed his argument precisely in order to demonstrate what insufferable results might be advocated if one accepted the wide use of deduction *a fortiori*, from analogy and so on entailed by the Hillelite system. It was by proving him to be in conflict with the written law that Gamaliel had to silence him.

Finkelstein, incidentally, asserts that it was because of their belief in equality that the Pharisees opposed a master's liability for his slave: one man could not answer for another. But he overlooks the express quotation of their reason in the Mishnah: 'If I (the master) provoke him (the slave) to anger, he may go and set fire to another's stack of corn.' That is to say, they feared that a master might be at the mercy of an ill-intentioned slave. The Romans solved the problem by way of

noxal liability: a master could always avoid payment by handing over the wrongdoer. But there were systems (some Germanic ones, for instance) with unrestricted liability of the master, so that the risk pointed out by the Pharisees did exist, and systems with no liability.⁸⁰

Finkelstein says that the Pharisees, not in general wealthy enough to keep slaves, had no interest in a master's liability. But surely, a Pharisee's property might be damaged by the slave of a Sadducee. In fact, if most slaves belonged to Sadducees, it is the latter whom one would have expected to be against liability. The truth is that, while the Pharisees, representing the ordinary middle-class citizen, were afraid of the sudden catastrophe such liability might bring, the Sadducees did not mind some risk for the sake of a rigorous protection of property: small bourgeois mentality over against aristocratic harshness, exactly as Josephus has it in the passage quoted above. No doubt the Sadducees felt, too, that a man ought to be able to keep his slaves under control. However, the question does not affect our main point regarding the Sadducean *a fortiori* and the way it was rebutted.

In the epoch starting from Hillel, then, in general, for a rule to acquire binding force it was no longer enough that it should be traditional practice and enjoy the approval of wise and holy men. Certainly, as Hillel himself had stressed, some reliance on tradition was indispensable for an orderly development. That is the point of his acceptance of a proselyte who made it a condition that he need submit only to the written law.⁸¹ On the first day Hillel taught him the Hebrew alphabet in the right order. On the second, he jumbled up the letters, to which the proselyte objected. Whereupon Hillel told him that if he trusted him in the matter of the alphabet, he ought to trust him equally as to the oral law. But observe how carefully chosen the parallel was. For, ultimately, the proselyte would be in a position to verify from the texts the alphabet taught him by his master.

Again, the personal authority of the sages undeniably remained high. They were credited with miracles, and when they debated the air would be filled with flames.⁸² Yet they must justify their opinions by giving chapter and verse and the grounds of any inference drawn. The young man proclaiming the correct method of hearing witnesses had been inspired by an angel at the command of God. Legal evolution was less and less thought of in these terms. Towards the end of the first century A.D. Rabbi Joshua ben Hananiah, when his opponent in controversy was supported by supernatural signs and, in the end, by a voice from heaven, successfully refused to yield:⁸³ the law was to be discovered with the help of intelligible argument and counter-argument, settled finally by the decision of a majority of experts. Underlying this rational claim, there was the confidence that deliberations carried on in the right spirit had the blessing of God and must arrive at the right result:⁸⁴ divine guidance, though less direct than formerly, was not excluded. We

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should not omit to mention that the Rabbi, of course, based himself on Scripture, referring the voice to a passage from Deuteronomy:⁸⁵ 'For this commandment is not hidden from thee, neither is it far off, it is not in heaven' and so on.

IV. THE SAMARITANS

We must now go back to the fifth century B.C., when the Jews returning from exile began to rebuild life in the holy land on the basis of the Pentateuch and observances brought back from the host country. From the outset, the latter were a stumbling-block to the Samaritans, the neighbours in the north who had not shared the exile and who, from a mixture of Israelites and heathens, had become a monotheistic community claiming to be the true heirs of the covenant. They acknowledged the Pentateuch alone.

If that had been all, they would not call for separate treatment, since we could simply say that what is true of the Sadducees is true of them; and, in fact, the two had very much in common, in many departments of law and creed taking the same line.⁸⁶ There was, however, a vital difference. Whereas the Sadducees, as we saw, interpreted Scripture in a reasonable, free manner, the Samaritans adopted a most literal approach—cut off as they were from the main body of Judaism, and also, perhaps, in exaggerated opposition to the dominant system which included so much that was not represented in Scripture at all.

As an example of Samaritan exegesis we may take the Passover injunction: 'Seven days shall no leaven be found in your houses.' The Samaritans never extended the prohibition from houses to yards; according to them you might have leaven in your yard on Passover—very narrow.⁸⁷

Not infrequently, indeed, they succeeded in introducing progress by taking a word capable of several meanings in that meaning which was more convenient, even though not envisaged by the original. Thus the levirate, i.e. the duty of the brother of a deceased husband to marry the childless widow, became the duty of a friend or less close relation of the deceased. Hebrew *'aḥ*, 'brother', like its English equivalent, occasionally denotes a remoter connexion. An earlier way in which they had mitigated the levirate was by rendering 'the wife of the deceased shall not marry without, i.e. outside his family, unto a stranger' as 'the deceased's wife who is still without, i.e. not yet married but only betrothed, shall not marry unto a stranger'. That is to say, they treated *haḥuṣa* as an adjective instead of an adverb; with the result that the deceased's brother had to marry the woman only if her union with the deceased had not yet been consummated. Still, unlike both Pharisees and Sadducees, they consistently rejected inferences *a fortiori*, from analogy and so forth.

The view, sometimes met in modern literature,⁸⁸ that the Sadducees agreed with the Samaritans as to the abolition of the levirate is quite baseless. There is no hint at such agreement in the sources. Moreover, the Rabbis, while seeing in the Samaritan attitude an obstacle to intermarriage,⁸⁹ never extended this scruple to intermarriage with the Sadducees. Above all, the Sadducean king Alexander Jannaeus contracted a levirate marriage with the widow of his brother Aristobulus.⁹⁰ Sadducean interpretation of Scripture was not of the Samaritan type.

The source of the error is an otherwise most valuable and pioneering article by Geiger.⁹¹ He thought that the Sadducean question to Jesus about bodily resurrection implied rejection of the levirate.⁹² But the opposite is the case. Had they rejected it, they could not have used it as an argument against resurrection. But they did so use it, claiming that resurrection was irreconcilable with it. It was resurrection alone which they were out to refute, as the story makes quite clear: 'the Sadducees which say there is no resurrection.' (Their opposition to this dogma is mentioned also in Acts;⁹³ on this, they were indeed at one with the Samaritans.) In fact, their choice of the levirate for the attack is typical. They did not put the simple case of a woman marrying several times. To this, the repartee might have been: All right, a woman had better marry once only. They spoke of a woman marrying several times as bidden by the law, and indeed by the written law recognized by them no less than by the Pharisees: 'Moses wrote unto us, If a brother die' and so on. (Mark and Luke are preferable to Matthew, who has 'Moses said'. But even Matthew does not provide the slightest justification for assuming that the Sadducees repudiated Moses.) The dogma of bodily resurrection, they maintained, ran counter to an institution of Scripture—for it was, of course, unthinkable that, on resurrection, a woman would have several husbands at the same time. It was a very clever and very serious argument. That they put it in a scoffing tone⁹⁴—giving the woman seven husbands though two would have done to make the point—should not deceive us as to its seriousness.

There was an interesting result of Samaritan literalism: they were driven to alter the actual text of the Pentateuch. If you stick to the words of a code, without admitting any adaptation to new circumstances by means of exegesis, inevitably in the course of time a revision will become a necessity. Justinian's case is no doubt very different. But still, when he decided to use for his great legislation the classical works several hundred years old, he openly empowered the commission to make any modifications required. How far the Samaritans, when making their amendments, believed they were restoring the genuine text we shall here leave undecided.

Several famous alterations concerned religious matters. In Deuteronomy 11.30, the Samaritans added to 'the oak of Moreh' the further detail 'near Shechem', in order to have it in the text—what Jewish ill-

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wishers had been inclined to deny⁹⁵—that this was the place where they had (and still have) their cultic centre, to them the only true one.

Again, according to Deuteronomy 11.9 God has sworn to the patriarchs to give the land 'unto them and to their seed'. As the patriarchs were dead by the time of the entry into Canaan, the Pharisees claimed that a promise of the land 'unto them' must imply an assurance of resurrection. This was of course a misinterpretation designed to represent their dogma as Scriptural. In the original there is assumed a unity between ancestors and descendants, and the settlement of the latter in a sense includes the former. However, we have already offered other examples of this Pharisaic method, and in the important matter of resurrection quite a few texts were twisted. Jesus in combating the Sadducees relied on God's revelation to Moses, 'I am the God of Abraham, Isaac and Jacob';⁹⁶ as God must be a God of the living, these words prove that the patriarchs cannot be dead for good. For the Samaritans who, as pointed out above, were not above pressing a text in the same way, these passages were most awkward. Hence in Deuteronomy 11.9 they struck out the offending 'unto them', so that God has sworn only to give the land 'to their seed'—no resurrection of the patriarchs.

These two cases are of particular interest because they were considered by the Rabbis to bring out the futility of falsification.⁹⁷ The addition of 'near Shechem' the Rabbis ridiculed as superfluous since even without it, it was possible to prove that Shechem was meant, namely, by one of Hillel's methods of exegesis—an appeal to another text, Genesis 12.6, in which the oak of Moreh recurred and its localization was plain. As for the elimination of 'unto them', that did not help, the Rabbis said, since there remained other allusions to resurrection in Scripture, such as Numbers 15.21. Here we are warned that the sinner with a high hand 'shall be utterly cut off, his iniquity shall be upon him'. Once he is cut off, dead, the Rabbis argued, how could his iniquity still be upon him? He would have to answer for it on the day of resurrection.

A major revision of the private law deserves attention.⁹⁸ Very likely for some time after the return from exile, Jews and Samaritans felt free in this area to advance with the times. The few Biblical provisions were hardly of great concern to the religious leaders—except, indeed, where they impinged on religious matters. Long before Hillel, however, even the private law of the Pentateuch must have acquired a special status, and what happened when the Rabbis treated it as enshrining an answer to every problem we saw from the example of direct damage to property. That, none the less, large tracts of the private law never achieved the sanctity of, say, the rules concerning marriage or the Sabbath is a phenomenon we need not here discuss.⁹⁹

The Samaritans, literalists, just could not rest content with a code

like the Mishpatim, the principal private law section in the Pentateuch, dating from around 1000 B.C. They modernized it. They widened the old narrow cases, writing instead of 'If one man's ox push another's ox': 'If one man's ox or any other beast of his push another's ox or any other beast of his', or instead of 'an ox wont to gore': 'a beast wont to hurt'. Similarly, they replaced antiquated institutions, writing instead of 'elohim, which refers to decision of litigation by oracle, the Tetragrammaton, *yhwh*, by which substitution they introduced the oath.

The Samaritan version unquestionably offers better law than the Jewish one. But that does not, as was at one time believed by critics, speak for its priority. On the contrary, we have to apply a somewhat extended principle of the *lectio difficilior*: we could never explain why anyone should have turned the more practicable Samaritan rules into the archaic Jewish ones, while, obviously, the Samaritans had every reason for bringing the archaic law up to date. There are additional proofs: for example, the Samaritans, when introducing 'cattle' which is feminine in Hebrew, might yet leave a masculine adjective standing, which had gone with 'ox' in the original.

Nothing could underline more forcefully than this textual revision the difference between Samaritans and Sadducees we are postulating. The two were in many ways alike. But the Sadducees were, so to speak, internal Samaritans. They never dreamt of such a revision. They were far less rigid in their handling of the law, and an extension, say, of the provision concerning damage by an ox to damage by other beasts they would find easy by means of ratiocination, interpretation according to the spirit, use of analogy and the like. As we have seen, they held that an argument *a fortiori* warranted the application of these rules to damage done by a slave.

The Samaritan revision pursued no radical aims; and, needless to say, the improvements obtained by these changes in the text were all derived by the Rabbis from the original with the help of exegesis. For the extension of the rules about an ox to other cattle, the Sabbath commandment was invoked, the Deuteronomic version making it plain (the Rabbis argued) that what applies to the ox must apply to the rest: 'Thou shalt not do any work, thou, nor thine ox, nor thine ass, nor any of thy cattle.'¹⁰⁰ Actually, in post-Hillelite interpretation, it became an accepted thing that a Biblical law might confine itself to the most usual case, say, damage by an ox, with the intention of thereby covering all the less usual, similar ones even in the absence of supporting evidence from other passages.¹⁰¹ Once this idea prevailed, the 'casuistic' formulation of the ancient statutes no longer created any problem.

Again, the Rabbis left 'elohim standing, but they interpreted the word as meaning 'judges'; they adduced an allied type of litigation where the question is exactly the same, whether a man 'hath put his hand unto his neighbour's goods',¹⁰² and where the Bible itself prescribes an oath

by the Tetragrammaton; and they arrived at the conclusion that this was the law here also.

As may be expected, interpretation, being alive and capable of subtle discrimination, was often superior in its results to revision. According to the Mishpatim, a master who kills his slave is committing a capital offence. The formulation of the offence is narrow, 'casuistic'; 'If a man smite his servant with a rod and he die.'¹⁰³ The Samaritan revisers eliminated the detail 'with a rod'. The Rabbis left it in, but declared that it had to be read in conjunction with the chapter in Numbers about murder and unintentional homicide. There it is laid down that it is murder if you use 'an instrument of wood suitable for killing'.¹⁰⁴ They concluded that the mention of the rod in the Mishpatim served to require murderous intent, served to confine capital punishment to the deliberate killing of a slave.¹⁰⁵

We must close. As far as Roman law is concerned, we singled out the evolution prior to the advent of the formulary system in the second century B.C., as for Jewish law, that prior to the codification of the Mishnah around A.D. 200. In both laws, the later developments are no less remarkable, and still await full exploration. Perhaps, in yet another twelve years' time, you will ask me to continue.

NOTES

¹ D. 1.2.2.6, Pomponius singulari encliridii, G. 4.11.

² See Daube, *Symbolae Friburgenses in honorem Lenel*, 1933, 256, *Revue Historique de Droit Français et Étranger*, 4th ser., 15, 1936, 352, *Cambridge Law Journal*, 7, 1939, 32, *Tulane Law Review*, 18, 1944, 374, 384 ff.

³ Exodus 21 f. See Daube, *Vetus Testamentum*, 11, 1961, 257 ff.

⁴ Daube, *Law Quarterly Review*, 52, 1936, 253 ff., *Studi Solazzi*, 1949, 98 ff.

⁵ 24.18 ff.

⁶ G. 4.19. Once recoverable by *legis actio per conditionem*, they most probably fell under *sacramento* as well; so that Gaius, unhistorically, in 4.20 puts the question why *per conditionem* should be needed. Admittedly, even before the *lex Silia*, occasionally a borrower may have been sued by *sacramento* as thief; see below, p. 7 in this article.

⁷ G. 2.42, Cicero, *Top.*, 4.23, *Pro Caec.*, 19.5-1.

⁸ To this extent we agree with Schulz, *Roman Legal Science*, 1946, 29 f. What we cannot accept is his—in our view simplifying—assumption (partly based on

Kaser, *Zeitschrift der Savigny-Stiftung*, 59, 1939, Rom. Abt., 34) that there is a straight temporal difference between this free interpretation and that underlying, say, emancipation. As will be seen presently, in our opinion the two types of exegesis co-existed almost from the start. Incidentally, in discussing sacred formulas, Schulz remarks (p. 28) that if Jephthah had inserted in his vow a saving clause such as 'according to my meaning', he need not have sacrificed his daughter. But this is to accept unhistorically a late Rabbinic re-interpretation of the vow which is designed to exonerate Jephthah, and which has gained currency in popular editions of the story. According to this re-interpretation Jephthah vowed 'whatever would first come to meet him on his return from victory', and he was thinking not of a human sacrifice but of a goat or dog. When the first being to meet him was his daughter, it was only the careless wording, 'whatever', that forced him to sacrifice her. However, if the Hebrew is translated properly, he vowed to sacrifice 'whichever would first meet him'; and

indeed, a vow of a goat or dog would not have been very grand. The tragedy was that the first person was his only child.

⁹ G. 4.11. This case, incidentally, is conclusive evidence in our view that in the action *sacramento* the cause had to be named.

¹⁰ Even the recent, masterly work by Lévy-Bruhl, *Recherches sur les Actions de la Loi*, 1960, over-emphasizes this aspect.

¹¹ Here we differ from Schulz, Kaser and other modern authorities.

¹² We are not convinced by Lévy-Bruhl's different explanation of the clause in *Nouvelles Etudes sur le très ancien Droit Romain*, 1947, 80 ff.

¹³ G. 1.132.

¹⁴ D. 1.3.31, Ulpian 13 ad legem Juliam et Papiam; see Daube, *Savigny-Stiftung*, 76, 1959, 176 f., 261 ff.

¹⁵ 25.11 f.

¹⁶ Cp. Assyrian laws 8.

¹⁷ Mishnah Baba Kamma 8.1; see Daube, *The New Testament and Rabbinic Judaism*, 1956, 263.

¹⁸ This point is not properly brought out by Daube, *New Testament*, 263. It would be interesting to investigate the relation between the treatment of entire provisions which have become 'free' and that of isolated words which are or appear to be superfluous. The concept of *muphne*, for example, is far from sufficiently analysed. Cp. also Daube, *Zeitschrift für die Alttestamentliche Wissenschaft*, 50, 1932, 158 n. 34, 159 n. 45, 49, 55.

¹⁹ Daube, *Cambridge Law Journal*, 6, 1937, 217 ff.

²⁰ Kaser, *Das Altromische Ius*, 1949, 286 ff.

²¹ G. 3.14, 23, 29.

²² P.S. 4.8.20 (22), I. 3.2.3a, C. 6.58.14.1, Justinian A.D. 531. de Zulueta, *The Institutes of Gaius*, pt. 2, 1953, 122 f., takes a line we cannot follow. Buckland, *Text-Book of Roman Law*, 2nd edn., 1932, 369, is sound; in fact this section is a good example of his power of setting out in a few terse and crystal-clear sentences a long and complicated development, including all the necessary scholarly reservations.

²³ That is the meaning of *Voconiana ratione* in P.S. The *lex Voconia* must have contained a provision with which the right of the nearest female agnate was difficult to reconcile, so the jurists interpreted this right away.

²⁴ *Tijdschrift Voor Rechtsgeschiedenis*, 25, 1957, 384 ff.

²⁵ Mishnah Yebamoth 2.4, Bab. Yebamoth 21a. We do not agree with Epstein, *Marriage Laws in the Bible and Talmud*, 1942, 236, 254 ff., that the grandmother was permitted until prohibited by the post-exilic sages. Her omission from the Biblical codes is explained by the fact that, as even in those times a grandmother must have been her grandson's senior by some forty years, this was a most unlikely case of incest: Lolita in reverse. The Samaritans, who did not recognize the teachings of the sages, may none the less have had the prohibition of the grandmother; at any rate we never find the Rabbis charging them with disregard of it. As they were literalists, one may wonder in what text they saw the prohibition, if they had it. Possibly they pressed the term 'mother' (to be met twice in Leviticus 19.7) and claimed that it included the grandmother. On a case where they held that 'brother' signified 'kinsman' and in fact did not cover brother in the narrow sense, see below, p. 21.

²⁶ Daube, *New Testament*, 90 ff., cp. *Proceedings of the Oxford Society of Historical Theology*, 1944/5, 36 ff.

²⁷ 1 Maccabees 2.39 ff., Josephus, *Ant.*, 12.6.2.276 f., 13.1.3.12 f.

²⁸ See Josephus, *Ant.*, 12.1.1.4 ff., *C. Ap.*, 1.22.210 ff.

²⁹ Josephus, *Ant.*, 18.9.2.322 f.

³⁰ Shared by Daube, *New Testament*, 255. The particular argument based on this misconception is not tenable; fortunately the main thesis is not thereby affected.

³¹ *Ant.*, 18.1.4.16.

³² Leviticus 24.19 f.

³³ E.g. Mishnah Baba Kamma 8.1, Mekhilta Nezikin, ch. 8, on Exodus 21.24.

³⁴ From some date, even the Pharisees required that, for a false witness to be liable, sentence against the accused must already have been pronounced—though not yet carried out: see below, p. 27.

³⁵ Deuteronomy 19.16 ff., Mishnah Makkoth 1.6, Bab. Makkoth 5b.

³⁶ *The Pharisees*, 1940, 1, 144.

³⁷ Hammurabi 2 ff., Assyrian laws 18 f.

³⁸ In Exodus 22.8 litigation between depositor and deposit is decided by oracle (see below, p. 24), and perhaps double payment is imposed on 'whichever of the two they find guilty'.

³⁹ In the preceding 19.15 the verb

occurs twice, the first time in a sense midway between 'to rise in the assembly' and 'to rise to fight', the second in the entirely different sense of 'to be established': 'One man shall not rise up . . . at the mouth of two witnesses shall the matter be established.'

³⁹ See Daube, *Studies in Biblical Law*, 1947, 130.

⁴⁰ *Urschrift und Übersetzungen der Bibel*, 2nd edn., 1928, 140.

⁴¹ For example, Mishnah Makkoth 1.6: 'his (accused) brother is still alive'.

⁴² Hoffmann, *Magazin für die Wissenschaft des Judentums*, 5, 1878, 12 f. If Maimonides already took this line, it may account for his view that, in the case of monetary penalties or flogging, a false witness is punishable even if he has succeeded: here the man originally condemned can be indemnified or rehabilitated, and there is no risk of undermining public morale. There is some historical truth even in this inference, but we cannot go into detail.

⁴³ *Ant.*, 4.8.15, 219.

⁴⁴ In one point the Pharisees introduced a precision not in the original law: they held a false witness punishable only from the moment that sentence had been pronounced against the accused—which confined punishability to the interval between sentence and execution of the sentence. The story of Susannah fits this scheme (no wonder, being a legal legend of the Pharisees): she was already sentenced but still alive when her accusers were proved false. Josephus knows the rule, defining as punishable him who 'having borne false witness was believed'. (This is the right translation: Hoffmann, *Wissenschaft des Judentums*, 6.) It is also noteworthy that there is no indication that the false witnesses of Matthew 26.60 ff., Mark 14.55 ff., were proceeded against: no verdict against Jesus was delivered on the strength of their testimony. But the restriction is certainly not Biblical.

⁴⁵ Exodus 21.35 ff., Mishnah Yadaim 4.7.

⁴⁶ The exact formulation of an argument *a fortiori* may vary. It is noteworthy, therefore, that the same variety ('*eno dthin*') appears in this Sadducean application, in the prototype of the Hillelite *a fortiori* in Tosephta Pesahim 4.2—on which see below, p. 14—and in the argument *a fortiori* advanced by Jose ben Taddai to show up the fallacy

of the argument, Derek Eretz Rabba 1—see below, p. 18.

⁴⁷ See below, p. 19.

⁴⁸ *Bell.*, 2.8.14.166.

⁴⁹ Megillath Taanith; see Graetz, *Geschichte der Juden*, 5th ed., 1906, 3 pt. 1, 126 f., pt. 2, 567 f.

⁵⁰ Leviticus 24.14, I Kings 21.13. It is true that in Leviticus 24 the formal testimony is part of the execution, and in I Kings the laying on of hands is not mentioned.

⁵¹ Mishnah Aboth 1.9, Sanhedrin 5.4. It should be noted that Simcon ben Shetach's saying in Aboth 1.9 goes beyond the new regulation. The new regulation is to separate the witnesses in order that one of them may not take his cue from the other. Simeon here says that, in addition, the judge himself ought to be careful not to drop a hint.

⁵² 14.56, 59.

⁵³ See e.g. for France, art. 102 of the Code de procédure pénale, art. 316 Code d'instruction criminelle, and for Germany, § 58 of the Strafprozessordnung.

⁵⁴ W. J. Lewis, *Manual of the Law of Evidence in Scotland*, 1925, 120 f.

⁵⁵ See Daube, *Revue Internationale des Droits de l'Antiquité*, 2, 1949, 201.

⁵⁶ In Charles's *Apocrypha*, 1913, 650.

⁵⁷ Aboth 1.9, Sanhedrin 5.1 f.

⁵⁸ Numbers 9.13.

⁵⁹ Numbers 28.10.

⁶⁰ Tosephta Pesahim 4.2. It may not be accidental that this prototype of the Hillelite *a fortiori* was of particular force, in that the Passover is not just one of many cases where extirpation is threatened. Whereas in the vast majority the penalty is imposed on the breach of a prohibition, there are only two cases, circumcision and Passover, where it is imposed on failure to observe a positive commandment. See Mishnah Kerithoth 1.1 at the end.

⁶¹ See *Hebrew Union College Annual*, 22, 1949, 239 ff., with a continuation in *Festschrift Lewald*, 1953, 27 ff.

⁶² Deuteronomy 20.20, Tosephta Erubin 4.7. It will be noticed that Hillel made use of a little clause which, on an objective reading, contributes nothing to the law and which, before him, had probably remained unused; cp. above, p. 6. That a Jewish army might not begin a battle on a Sabbath is presupposed also in Josephus, *Ant.*, 14.4.2.63, *Bell.*, 2.21.8.634, *Vita*, 32.159. The rule was

disregarded on the occasion described in *Bell.*, 2.19.2.517 f.

⁶³ Exodus 31.16, Mekhilta, Shabbata, ch. 1, on Exodus 31.13, Bab. Yoma 85b.

⁶⁴ Leviticus 18.5, Tosephta Shabbath 15.17, Bab. Yoma 85b.

⁶⁵ Compare the attitude reflected in Ezra 9 f. and Nehemiah 13.23 ff. with the simpler ancient one in, say, Deuteronomy 20.14, 22.10 ff., or the Book of Ruth.

⁶⁶ Daube, *New Testament*, 106 ff.

⁶⁷ Leviticus 11.44, 20.7, Matthew 15.2, Mark 7.3, Luke 11.38, Mishnah Eduyoth 5.6 towards end, Bab. Berakoth 53b.

⁶⁸ Daube, *New Testament*, 303 ff., *Studia Patristica*, Oxford, 1957, 2, 109 ff.

⁶⁹ Mekhilta, Nezikin, ch. 5, on Exodus 21.15, Bab. Sanhedrin 52b.

⁷⁰ Daube, *Symbolae Friburgenses*, 257, *Tulane Law Review*, 374 f., 404.

⁷¹ Mishnah Baba Kamma 1.4, 2.6.

⁷² 24.18 ff., quoted above, p. 4.

⁷³ See Daube, *Tulane Law Review*, 18, 371, *New Testament*, 264 f. In the latter study we argued that damages for insult were first based on the Mishpatim, Exodus 21.24—which phase of development is still reflected in Matthew 5.38 f.—before being assigned to another part of the Pentateuch, Deuteronomy 25.11 f.

⁷⁴ Hagigah 1.8.

⁷⁵ Derek Eretz Rabba 1.

⁷⁶ Leviticus 21.14.

⁷⁷ Ibid.

⁷⁸ None the less it was only because of his motive that he incurred the ban. The mere fact of putting an argument contrary to Scripture, without evil intent, would not provoke this reaction; cp. e.g. Mishnah Pesahim 6.2.

⁷⁹ Cp. Daube, 'Le raisonnement par l'absurde chez les jurisconsultes romains', Lecture delivered at the Institut de Droit Romain, Paris, 1958.

⁸⁰ For literature on comparative law, see Kaser, *Das Altromische Ius*, 228.

⁸¹ Bab. Shabbath 31a, see Daube, *Hebrew Union College Annual*, 244.

⁸² Daube, *New Testament*, 206 f.

⁸³ Bab. Baba Metzia 59b.

⁸⁴ Mishnah Yadaim 4.3 at the end.

⁸⁵ 30.12.

⁸⁶ Mishnah Niddah 4.2, Epiphanius, *Haer.* 14; see Schürer, *Geschichte des Jüdischen Volkes*, 3rd edn., 2, 1898, 18.

⁸⁷ Exodus 12.19, Pal. Pesahim 27b.

⁸⁸ E.g. J. A. Montgomery, *The Samaritans*, 1907, 187.

⁸⁹ Bab. Kiddushin 76a.

⁹⁰ Josephus, *Ant.*, 13.12.1.320, *Bell.*, 1.4.85. See Epstein, *Marriage Laws*, 90.

⁹¹ *Jüdische Zeitschrift für Wissenschaft und Leben*, 1, 1862, 27 ff.

⁹² Matthew 22.23 ff., Mark 12.18 ff., Luke 20.27 ff.

⁹³ 4.1 f., 23.8.

⁹⁴ On this aspect, see Daube, *New Testament*, 158 ff.

⁹⁵ They maintained that the Gerizim and the oak of Deuteronomy 11.29 f., connected with blessings, were to be distinguished from the Samaritan Gerizim near Shechem and the oak of Genesis 12.6.

⁹⁶ Exodus 3.6, Matthew 22.32, Mark 12.26, Luke 20.37.

⁹⁷ Pal. Sotah 21c, Siphre Deuteronomy, ch. 56, on 11.30, Mishnah Sotah 7.5, Bab. Sanhedrin 90b.

⁹⁸ Daube, *Alltestamentliche Wissenschaft*, 50, 1932, 148 ff.

⁹⁹ See Daube, *Tulane Law Review*, 359 ff.

¹⁰⁰ Deuteronomy 5.14. It is probably not accidental that they invoked this clause in preference to others—like Exodus 22.9—mentioning 'ox or any cattle'. In the parallel version of the Ten Commandments, in Exodus 20.11, we find only the general term, no reference to ox or ass: 'Thou shalt not do any work nor thy cattle.' It seems to have been held that the difference had a purpose, namely, to emphasize the wider application of laws speaking of an ox only.

¹⁰¹ Mishnah Baba Kamma 5.7, Eduyoth 1.12; Daube, *Hebrew Union College Annual*, 250.

¹⁰² Exodus 22.10.

¹⁰³ Exodus 21.20.

¹⁰⁴ Numbers 35.18.

¹⁰⁵ Mekhilta, Nezikin, ch. 7, on Exodus 21.20.

16.

THE CIVIC PRAYER FOR JERUSALEM¹

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I

THE sole daily prayer of the Synagogue, in the proper sense of the word prayer, *preces*, that is of a request for well-being,² is the Tefillah, the "Intercession," also called Amidah, since it is recited standing. The prayer consists of eighteen sections, each concluded by the same formula: "Blessed be Thou, YHWH." Thence, the popular name of the prayer: *Shemone Esreh*, "Eighteen" (benedictions).³

¹ Bibliography: E. Schuerer, *Geschichte des juedischen Volkes* 2 (1907), 538-544; F. C. Grant, *Modern Study of the Jewish Liturgy*, ZAW, 65 (1954), 59-77. Further bibliography in Hedegoard (below, n. 5), 190-196: S. Baron, *Social and Religious History of the Jews*, I (1952), 379, n. 25 and II, 376, n. 34. Two works are essential: I. Elbogen, *Der juedische Gottesdienst*, 3rd ed., 1931, pp. 27-60 and 582-587 and L. Finkelstein, *The Development of the Amida*, JQR, NS, 16 (1925-1926), 1-43 and 127-170. A. Z. Idelson, *Jewish Liturgy* (1932), 92-110 is based on Elbogen. See also I. Abraham's *Commentary in S. Singer, The Authorized Daily Prayer Book* (9th ed., 1912), pp. LV-LXXII. Rabbinical material is collected and translated in H. L. Strack, P. Billerbeck, *Kommentar zum Neuen Testament*, 4, 1, pp. 189-249.

Abbreviations used in this paper:

ANET — *Ancient Near Eastern Texts*, ed. J. Pritchard.

Bonsirven — J. Bonsirven, *Le Judaisme Palestinien* (1936).

Elbogen, see above.

Finkelstein, see above.

JQR — *Jewish Quarterly Review*.

MGWJ — *Monatsschrift fuer Geschichte und Wissenschaft des Judentums*.

Moore — F. G. Moore, *Judaism* (1927).

PAAJR — *Proceedings American Academy of Jewish Research*.

RQ — *Revue de Qumran*.

Syll. — G. Dittenberger, *Sylloge inscript. graecarum* (3rd ed.).

ZAW — *Zeitschrift fuer die alttestamentl. Wissenschaft*.

I owe a debt of gratitude to Dr. Gerson D. Cohen (Jewish Theological Seminary) who very kindly read a draft of this paper. He saved me from several mistakes, and supplied some additional information.

² Plato *Eutyphr.* 14 c: τὸ θύειν δαρεῖσθαι ἐστὶ τοῖς θεοῖς, τὸ δ' εὐχεσθαι αἰτεῖν τοῖς θεοῖς. Cf. Plato *Leg.* 7.801.

³ On the names of the Prayer cf. Elbogen, 27. The terms *Tefillah* and *Shemone Esreh* are already attested in the Mishna Ber. 4, 1 and 4, 3. For the name Amidah

The ancient Masters, quoted by later rabbis, taught that a certain Simeon haPakoli had "recited in order" the whole prayer "before" Rabban Gamaliel (II), that is ca. A.D. 100. We also learn that the malediction against the sectarians (*minim*) was inserted into the Tefillah on the order of the same Rabban Gamaliel.⁴ Thus, the outline of the prayer was fixed toward the end of the first century A.D. The wording of the Tefillah, of course, remained fluid. The text differs not only in the various medieval rituals, but even in manuscripts of the same prayer book, such as that compiled by R. Amram Gaon in the ninth century A.D.⁵ The earliest text, which is generally followed in this paper, is that of Palestinian liturgy, as it is found in the fragments discovered by S. Schechter in the Genizah of Cairo.⁶ Yet, it also is late (Medieval) and sometimes interpolated. Sometimes the standard (Babylonian) version offers a better reading. The case is similar to that of a classical text transmitted in two manuscript families. By comparing various readings and rabbinic quotations, L. Finkelstein could establish the earliest accessible form of the text, that is, the archetype of our written sources.

Yet, for centuries the Amidah was transmitted orally, and was not recited identically in different synagogues.⁷ It would be absurd to try to fix the "original" wording of a traditional text.⁸ What we can hope to attain is the original meaning of a benediction. For this reason it seemed better to give partly a summary and partly a translation of the Tefillah, generally following Finkelstein's reconstruction.⁹

see e.g. Ber. 26 b. On the etymology of the term *Tefillah* cf. Elbogen, 511 and L. Kohler-W. Baumgartner, *Lexicon*, s.v., p. 765.

⁴ Berak. 28b. Simeon ha pakoli is mostly understood as meaning Simeon "the dealer in linen." Cf. Elbogen, 515; S. Krauss, *Talmudische Archaeologie*, I (1913), 540, n. 138; 2, 623, n. 39. But S. Klein, *MGWJ*, 64 (1920), 195 derived the surname from the name of the village Phichola (Jos. A. 12, 4, 2, 160). Cf. B. Mazar, *Israel Exploration Journal* (1957), 137.

⁵ Cf. D. Hedegård, *Seder R. Amram Gaon*. I (Lund, 1953), 83-89.

⁶ S. Schechter, *JQR*, 10 (1898), 654-657. The recension is reprinted in Elbogen, 517 and in D. W. Staerk, *Altjuedische Liturgische Gebete*, 2nd ed., 1930, p. 11. English translations: Grant (above, n. 1), p. 76; C. W. Dugmore, *The Influence of the Synagogue upon the Divine Office* (1944), 114, French translation: Bonsirven, 2, 145. The Standard or Babylonian recension and its translation can be found in any Jewish prayer book.

⁷ Elbogen, 254.

⁸ Cf. G. Murray, *The Rise of the Greek Epic* (Galaxy Book, 1960), 93 ff.

⁹ Finkelstein, 142-169. F. K. Kuhn, *Achtzehngebet und der Vaterunser und der Reim* (1950), 15-21, argues that the prayer was originally written in rhymes.

I. "Blessed art thou YHWH our God, and God of our fathers, God of Abraham, God of Isaac and God of Jacob," etc. "Blessed art thou, YHWH, the shield of Abraham."¹⁰

II. "Thou mighty, strong, who lives forever," etc. This section was subject to great changes by insertion of references to the resurrection of the dead, in agreement with the Pharisaic doctrine. But the earlier form of this praise of God's powers — *Geburot*, as the section was called by the rabbis — is still echoed in prayers written in the Hellenistic and the early Roman age. Yet, the blessing was already referred to as "Reviving of the dead" in the Mishna (Ber. 5, 2), that is before A.D. 200.¹¹

III. "Holy art thou, and thy Name to be feared," etc. It is a variation on Isaiah 6, 3.¹²

IV. "Vouchsafe us, our Father, with knowledge. . . . Blessed art thou, YHWH, who vouchsafest knowledge."

V. "Cause us to return, our Father, unto Thee. . . . Blessed art thou, YHWH, who delights in repentance."¹³

VI. Forgive us, our Father. . . . Blessed art thou YHWH who dost abundantly forgive.

VII. Look upon our affliction . . . redeem us. . . . Blessed art thou YHWH, the redeemer of Israel.

VIII. "Heal us YHWH Eloheanu from disease and cause to rise up a healing for our wounds. Blessed art thou YHWH who heals the sick."¹⁴

IX. "Bless this year for us YHWH Eloheanu to be good in every kind of the Produce. Blessed art thou YHWH who blessest the years."¹⁵

¹⁰ Cf. A. Spanier, *Die erste Benediction des Achtzehngebets*, MGWJ, 81 (1937), 71-75. "The Shield of Abraham" is a quotation from Gen. 15,1 which alludes to the Covenant of Abraham. But the eulogy reads: "Shield of fathers" in Pes. 117 b. Which reading is "original?" Cf. Elbogen, 43; Finkelstein, 27.

¹¹ Cf. Elbogen, 44, and below, n. 29. As Dugmore (n. 6) observes the idea that God can save from death "in the twinkling of an eye" is paralleled in I Cor. 15, 52.

¹² Cf. Elbogen, 45 and 61; 586-587; Finkelstein, *Revue des études juives*, 93 (1932), 3 f.

¹³ The beginning of this section in the Palestinian text is a quotation from Lamentations (5,21). The better text has been preserved in Babylonian recension. Cf. Finkelstein, 10 and Finkelstein ap. Dugmore (n. 6), 126, n. 3.

¹⁴ I translate the text as reconstructed by Finkelstein, 149. The Blessing is called that "for strength" in Abod. Z. 8a and "Healing and Strength" in p. Ber. 2, 4 (p. 4d). Cf. Elbogen, 48.

¹⁵ The text is reconstructed in Finkelstein, 151. The Palestinian text is interpolated. There is a request: "Hasten the arrival of the year (appointed for) the time of our redemption." The idea was that redemption is essential for the blessing of the land. Cf. L. Ginzberg, *Commentary on the Palestinian Talmud*, I (1941), 323 f.

X. "Sound the great horn for our liberation and life a signal to gather our exiles. Blessed art thou YHWH who gathers the dispersed of Israel."

XI. "Restore our judges as at the first . . . reign Thou over us, Thou alone. Blessed art thou YHWH who lovest the right."

XII. "For apostates let there be no hope. . . . Blessed art thou YHWH who humblest the arrogant."¹⁶

XIII. "Toward the righteous proselytes . . . may the compassion be stirred. . . . Blessed art thou YHWH the stay and trust of the righteous."

XIV. "Be compassionate YHWH Eloheanu toward us and toward Jerusalem thy city and toward Zion the abiding place of thy majesty. . . . Blessed art thou, YHWH, who dwellest in Zion."¹⁷

XV. Prayer for the restoration of the house of David is a later insertion which is lacking in the Palestinian text.¹⁸

XV (XVI). "Hear our voice, YHWH Eloheanu and have compassion on us. . . . Blessed art thou YHWH who hearest prayer."¹⁹

XVI (XVII). "Accept YHWH Eloheanu" (the sacrificial service).²⁰

XVII (XVIII). "We give thanks to Thee, YHWH Eloheanu. . . . Blessed art thou, YHWH, unto whom it is good to give thanks."

XVIII (XIX). "Grant peace to Israel thy people and to thy city

¹⁶ Another fragment of Palest. recension offers a variant reading: "For apostates let there be no hope unless they return to the Torah." The mention of "arrogant" (*zedim*) in the eulogy led to the interpolation of a petition against "the arrogant kingdom" (cf. Jer. 50, 31) which now interrupts the context and thus, despite K. F. Kuhn, (n. 9) Vaterunser und der Reim (1950), 19, who refers to II Macc. 1, 28, cannot be original. On the textual history of this Blessing see Elbogen, 51 and 519. Baron (above, n. 1) 2, 135 and 2, 381, n. 8; M. Simon, Verus Israel (1948), 235. Cf. below n. 38.

¹⁷ The translation according to Finkelstein's text (p. 159) with some changes in wording which follow variant reading in the Ms. C of Palestinian recension. But all Mss. add a reference to "the kingdom of the house of David," which is an obvious interpolation. The eulogy of the high-priestly blessing for the Temple was: "who has chosen Zion," or according to R. Idi: "who dwells in Zion." The latter variant was probably the original eulogy of the 14th blessing. Cf. Elbogen, 53, and below, n. 24.

¹⁸ The benediction referring to David is already mentioned T. Ber. 3, 25. On the other hand, it is stated expressly in Midr. Num. Raba 18, 21 that the blessing "Speedily cause the offspring of David, etc." was instituted after the formulation of the malediction against the sectarians. Cf. Elbogen, 40.

¹⁹ The text after Finkelstein, 161.

²⁰ After the destruction of the Temple the text of this section was naturally subjected to many changes. A reference to sacrifices has been preserved in Babylonian recension. Palestinian recension has another good reading: "may Thy servants serve Thee (that is offer sacrifices) in Jerusalem." The beginning is quoted as "Accept YHWH to dwell in Zion." Cf. Elbogen, 55.

and to thy inheritance and bless us all as a group. Blessed art thou YHWH, who createst peace."²¹

II

Trying to understand the grouping of benedictions in the Tefillah, the rabbis believed that the first and the last three praise God, whereas the middle sections, which all are petitions, concern man's needs. They accordingly compared the structure of the Eighteen Benedictions to that of a plea for a client or to a slave's request for his food portion, where asking is preceded by praise and is followed by thanks.²² In fact, the section (17): "We give thanks unto Thee . . ." does not bring the Prayer to an end, but is followed by a new petition: "Grant Thy peace to Israel. . . ." On the other hand, the appeal: "Hear our voice . . . accept our prayer" now forms the fifteenth section of the Eighteen Benedictions. Yet, the natural place of such invocation is at the beginning or at the end of a prayer. For instance, the same or a similar formula ended the prayer of the High Priest in the Temple Court of Women at Atonement Day and concluded Daniel's prayer.²³ As a matter of fact, the last three of the Amidah Benedictions, following the appeal just quoted, were parts of the same High Priest's prayer.²⁴ The first two, a prayer for the acceptance

²¹ The emphatic request: "bless us, all us, jointly" deserves attention.

²² Sifre Deut., n. 395, p. 142a, ed. M. Friedmann; p. 394, ed. L. Finkelstein. R. Simlai (ca. A.D. 275) in Berach., 32a: R. Hannina (or R. Huna), Ber., 34a. R. Joshua b. Levi pal. Ber., 2, 4 (3).

²³ Dan. 9, 17. Cf., e.g., Sir. 36, 17; Judith 9, 11. The shortened abstracts of the Tefillah, spoken by various rabbis ca. A.D. 100-135 and quoted T. Ber. 3, 7; Ber. 29a; p. Ber., 8a., also end with the concluding eulogy of the section 15: "Blessed art thou who heares prayer." The high priestly prayer on the Atonement Day was concluded by the same formula. Pal. Yoma 7, 1. p. 44b. Cf. also Enoch, 84.

²⁴ M. Yoma 7, 1; Yoma 70 a (Sota 41a). Pal. Yoma 7, 1, p. 44a. Cf. Elbogen, 31. At the Atonement Day the High Priest read the pertinent passages of the Torah (Lev. 16; 23, 27-32; Num. 29, 7-11). Then, he spoke eight benedictions: for the Torah, for the Temple service (*Abodah*), ending with the formula "We fear and worship Thee alone" (cf. the Tefillah, 16 at the end); Thanksgiving (*Hodaah*) using the formula "Who is good and to whom thanks are due" (cf. the Tefillah, 17, at the end); for forgiveness of sins saying at the end of the blessing: "Who pardons iniquity of the people of Israel mercifully." Cf. the Tefillah, 6. The blessings for the Temple (the formula: "who has chosen the Temple," or according to R. Idi: "who dwells in Zion"). For Israel (the quoted formula is: "who has chosen Israel"); for the priests ("who has sanctified the *kohanim*"). Then he prayed for the nation, asking God to help Israel that needs help. At the end he blessed Him

of the service in the Temple (16: *Abodah*) and thanksgiving for the acceptance (17: *hodaah*) repeat the two benedictions said by the High Priest in the same order and in identical or similar terms. The last petition,²⁵ a prayer for peace is a summary of blessings recited by the High Priest on the same occasion for the Temple, the priests and Israel. Its meaning is the same as that of the fourteenth section of the Amidah and it is a repeat in the present text of the prayer.

The inference seems clear: the three last benedictions of the present Amidah were added as a unit to an earlier prayer which concluded with the present fifteenth section: "Hear our voice." This result is confirmed by further rabbinic indications.

The Tefillah was a public prayer, but men who recited it in the congregation naturally wanted to add their personal petitions. Some people did it before the recitation of the Amidah, some prayed first and uttered their individual requests afterwards. But the rule (*halacha*) which was already known to Nahum the Mede before A.D. 70, stated that personal requests were to be spoken in the fifteenth section which accordingly must have been the last formula of the Amidah for Nahum the Mede.²⁶

Further, the schools of Shammai and Hillel discussed the formulation of the Amidah for a festival that falls on a Sabbath. Both parties took for granted that seven blessings should be recited on an ordinary Sabbath, these being the first three and the three concluding sections of the Eighteen Benedictions plus a blessing for the sanctification of the day inserted between them.²⁷

who hears prayers. It is interesting to note that there was no special blessing for Jerusalem. (It was later interpolated in some Mss. Cf. Ch. Albeck's edition of the Mishna.)

²⁵ The prayer service of the priests in the Temple consisted of an introductory blessing, the Torah reading (the Decalogue, Deut. 6, 4-9; 11, 13-21; Num. 15, 37-41), and three formulae: the eulogy after the Torah reading ("True and firm"), the *Abodah* and a Priestly Blessing (Tamid 5,1). The *Abodah*, that is a benediction concerning the sacrificial service, must have been similar to the 16th section of the Amidah. The last (18th) Benediction of the Amidah was also called "Priestly Blessing" (Birkat kohanim: M. Rosh Hash. 4,5). Can we identify these two Priestly Blessings? Cf. Elbogen, 59; Finkelstein, 21, n. 48.

²⁶ Ab. Zara 7b-8a. Later discussions: Ber. 16b-17a and 34a.

²⁷ T. Berak. 3, 13. In M. Rosh Hash. 4, 5 these six sections are enumerated: Abot (1), Geburot (2), Kedoshathashem (3), Abodah (16), Hodaah (17), and Kohanim (18). The sanctification formula (ib., and T. Ber. 3, 10 *kedoshat ha-yom*) of course varied according to the character of the festival day.

That makes it very likely that the present tripartite structure of the Tefillah (Three Praises — Petitions — Three Formulae from the Temple Liturgy) goes back to an early age. Thus, the original Tefillah, which concluded with the appeal: "Hear our voice" must go back to the Herodian age, at least, though some petitions and many expressions may have been inserted much later. As we have mentioned, the wording of the Tefillah remained free and fluid even after the fixation of its schema by R. Simeon ben Gamaliel. Some early Jewish²⁸ and Christian²⁹ prayers reflected these variations in the synagogal worship.

III

Each formula in the Tefillah is now concluded by a blessing which summarizes the meaning of the preceding lines. For instance, the first paragraph of the Prayer praises the God of forefathers. Accordingly, the eulogy reads: "Blessed art thou, O Lord, the shield of Abraham." In this way eighteen benedictions divide the Tefillah into eighteen sections. This schematic arrangement obviously betrays the hand of a redactor.

On the other hand, the openings of paragraphs vary. In some of them "lord, our God" is invoked; in others God is called "Our Father." But in several sections no term of address for the Deity is employed. Now, a petition or a praise which does not name the addressee is anomalous. We may suppose that a formula of this kind originally was a part of the preceding paragraph, or was appended later to a section where the Deity was addressed by name.

²⁸ A. Marmorstein, JQR 34 (1943-1944) believed that "The Oldest Form of the Eighteen Benedictions" appears in a Greek prayer preserved on a codex leaf written in the fourth or fifth century in Egypt (P. Edgerton, 5 ap. H. I. Bell, T. C. Skeat, *Fragments of an Unknown Gospel*, 1935, 58-59). But, as A. D. Nock kindly advises me, there is no reason to suppose that the prayer is Jewish and not Christian. Since both Jewish and Christian prayers, used the Old Testament phraseology, there are necessarily some verbal parallels to the Amidah in P. Edgerton, 5.

²⁹ Jewish prayers which were superficially christianized and included in the "Apostolic Constitutions" are again variations of Biblical motifs also used in the Amidah. Thus Const. Ap. 7, 33, 2-7 deals with the merits of the patriarchs. Const. Ap. 7, 34 speaks of God's powers (cf. the Amidah, 2) but in the creation of nature. Cf. generally E. R. Goodenough, *By Light, Light* (1935), 306-358 and cf. K. Kohler, *Jewish Encycl.* 4, 593 and *The Origin . . . of the Eighteen Benedictions*, HUCA I (1924), 387-425; Idelson (above, n. 1), 301-308. Cf. also I Clem. 59.

Thus, the first two benedictions, composed of Biblical quotations, are stock praises of God which in similar terms reappear in other post-Exilic prayers and hymns. For instance, the Prayer of Manasseh, just as the Tefillah, begins with the invocation of the God of the patriarchs, and then, again like the Tefillah, praises God's powers. The order of both topics is reversed in Ezra's prayer (Neh. 9).³⁰ Thus, it is probable, or at least possible, that the second section (*Geburot*) of the present Tefillah originally continued the first paragraph (*Abot*) of the Prayer.

On the other hand, the third section which also contains no term of address was probably a later insertion. It proclaims the uniqueness of the holy and awe-inspiring Deity. "There is no God besides Thee." In the story of Daniel and the Dragon, the pagan sovereign uses the same expression to declare the greatness of the Lord God of Daniel. The formula which is already attested in the second millennium B.C. was no symbol of monotheism, but stressed the preëminence of the extolled deity.³¹

Among the petitions five benedictions again lack a term of address for the Deity. One of them (7) is isolated and will be dealt with presently. The other four, although disparate as to content, are placed together in the Tefillah as sections 10-13 where they are sandwiched between two petitions of the group *YH Elohemu*. We may imagine that they were added, one after another, when the need arose. As an old prayer says, the needs of Israel were many.³² For instance, in 124 B.C. the Jews in Jerusalem offered a public prayer for their brethren in Egypt (II Macc. 1,6). At some date the competent authority inserted a general supplication for the Diaspora into the Tefillah.

³⁰ Cf. Enoch, 84, a prayer probably written in the third century B.C.: "Blessed be thou, O Lord, King, Great and Mighty and Thy Greatness, etc." A praise of God's might follows. Then, Enoch prays God to destroy the wicked only. "And hide not thy face from the prayer of Thy servant, O Lord." Again, the invocation of "Lord God of our forefathers" opens the Prayer of Azariah.

³¹ On the formula: N. is the sole god. Cf. E. Peterson, *Heis Theos* (1926); M. Smith, *Journal of Biblical Literature*, 74 (1952), 138.

³² Ber. 29b. The ancient rabbis, for whom the whole Amidah was composed by the Elders of old or by Men of the Great Assembly (Elbogen, 28), tried to find a Biblical support for the structure of the Prayer, quoting for instance the fact that the name YHWH is invoked eighteen times in Ps. 29. Cf. Strack-Billerbeck (above, n. 1), 4, 1, 209. Modern tentatives of the same kind are no more convincing. See M. Liber, *Structure and History of the Tefillah*, JQR, 40 (1950), 331-357.

Thus, the Tefillah now contains a petition for the return of the Exile. The theme was Biblical, and the Jews after the Restoration often played it with variations. The petition in the Amidah is based on Isaiah 27, 13 and 11, 12. It is remarkable that the destruction of the world empires, already alluded to in Isaiah, and described with gusto by Ben Sira in his prayer for the ingathering of the Diaspora, is not mentioned in the Amidah. At the time when the Jews of Jerusalem daily offered sacrifices for their heathen overlord, it probably appeared unseemly to ask God directly, in a public prayer, to crush the power of the same sovereign.³³

The next petition asking for the return of the Judges as of old is obscure for us.³⁴ The twelfth section is the famous *Birkat ha minim*, the malediction of sectarians.³⁵ The next section was a prayer for various groups of godly men, such as the converts to Judaism, the enigmatic "Elders" and the no less obscure "Remnant of the Scribes."³⁶

³³ Cf., e.g., Is. 11, 11; Ps. 147, 2; Jer. 30, 3; Ezech. 20, 34, etc. Sir. 36, 1-17; II Macc. 1, 27. Ps. Sol. 8, 28. Cf. P. Volz, *Die Eschatologie der juedischen Gemeinde* (1934), 344-345. The mention of "liberation" in the Amidah prayer agrees with II Macc. 1, 27.

³⁴ The petition, based on Is. 1, 26-27, must mean that Zion shall be redeemed by justice. But it is not a criticism of the administration of justice (Elbogen, 34). The accent is rather on the second verse: "Reign over us Thou alone." Cf. Jos. Annt. 14, 3, 2, 41.

³⁵ Samuel the Little merely added a malediction against the sectarians to a much older formula against the separatists. This *birkat ha paroshim* is still recognized as a separate blessing in T. Berak, 3, 25. Cf. S. Lieberman, *Tosefta-ki-Fshutah*, Zeraim I (1955), 54. The first words of the present Section (12) are directed against "apostates." Professor Boaz Cohen (Jewish Theological Seminary of America) kindly called my attention to the definition of a *meshumed* in Tos. Horyot 1, 5 (p. 474, ed. Zuckerman), "he who eats carrion, *terepha*, (cf. Moore 2, 74) detestable and creeping things, he who eats swine, and drinks wine offered as libation, he who profanes the Sabbath. . . . R. Jose b. Judah said, who wears clothes of mixed wool and linen, R. Simeon ben Eliezer said: who does anything (of the forbidden things) defiantly," that is in defiance of the Law. Cf. also Hor. 11a. The antinomian motif is a later interpretation. Originally it was not the *religio animae*, but *acta*, to use Augustine's contradistinction (de civ. Dei 6, 10) which counted. A much later text can still speak of men who eat *terepha*, carrions, creeping things, and become converts to eat good food as the Jews do, and to observe Jewish festivals. Tanhuma do Be Eliyyahu, p. 146, ed. M. Friedmann quoted in C. G. Montefiore, H. Loewe, *A Rabbinic Anthology* (1960), 577.

³⁶ On the "Elders" in the Thirteenth Benediction of Babylonian recension cf. Elbogen, 52; Kuhn (above, n. 9), 21. Originally this Blessing was a separate one. Even after the final redaction of the Amidah, the rabbis recognized the legitimacy of reciting it separately. T. Berak, 3, 25. Cf. Lieberman (above, n. 38), 54. He

Three formulae, which are still placed together (4-6), originally began each with the invocation of God as "Our Father."³⁷ They also form a meaningful unit: the petition for knowledge (4) leads to the request for God's help in bringing about repentance (5).³⁸ To know God is to acknowledge Him and the Torah. Repentance, as the rabbis already observed,³⁹ is the prerequisite of the prayer for forgiveness (6). The section 7 is an appeal to divine compassion. Since it contains no term of address, it was probably a conclusion of the *Abinu* prayer. In the same way, for instance, in the first Song of the Three Children, the prayer for deliverance which follows the confession of national sins, ends the psalm.⁴⁰

Thus, the Benedictions 4-7 form a group centered on the idea of sin. They enlarge upon the appeal to God's forgiveness made by the High Priest on the Atonement Day. The Sixth Benediction more or less repeats this pontifical prayer.

The need of confession of sins in affliction and of humbling

also shows that the mention of "the remnant of the scribes" in the same Benediction (Babyl. recension), enigmatic as it is, must also be very old. Cf. Megill. Taanit on the 17th of Adar.

³⁷ On the term "Our father" in the Fifth Benediction see n. 13. Despite Is. 63, 16, Origen (de orat. 22, 1) believed that the "boldness" of addressing God as Father in a prayer was lacking in the Old Testament. The great exegete was right as to the formal prayers in the Hebrew Bible. But he neglected the Apocrypha. Ben Sira (23,1) and Eleazar in III Maccab. 6, 8 in their prayers boldly appeal to God as Father.

³⁸ Cf. II Macc. 1, 1-6. In 124 B.C. the Jews in Jerusalem prayed for their afflicted brethren in Egypt, that God might give them a mind to do His will (cf. Fifth Benediction) and enlighten them "with His Law and His statutes." Cf. the mention of the Law in the Fourth Benediction. Afterwards God will listen to their (penitential) prayers (cf. Sixth Benediction) and be reconciled to them (cf. Seventh Benediction). Sir. 17, 7 ff. says that God filled men with knowledge of wisdom (Fourth Benediction), and gave them the Torah so that they might praise His holy Name and beware of wrongdoings. The right knowledge is the basis of the right behavior. Lucian, Navig. 24: cf. B. Gaertner, The Areopagus Speech, Acta Seminarii Neotest. Upsalensis 21 (1955), 91. Again, the blessing for knowledge is a part of a hymn which expresses confidence in forgiveness of sins in the sectarian "Manual of Discipline" (11, 14-15). Later, the rabbis stressed the connection between understanding and repentance. P. Ber. 2, p. 4d. On other, rather far-fetched, similarities between the Amidah and the sectarian prayers cf. M. R. Lehmann, Talmudic Materials, RQ I (1958), 403; S. Talmon, The Manual of Benedictions of the Sect., etc, RQ II (1960), 492.

³⁹ P. Ber. 2, 4 (5) p. 4d. On the *selicha* of the High Priest, cf. above, n. 24.

⁴⁰ Commentators strangely misjudge the meaning of the Seventh Benediction, refer it to the restoration of national independence, and accordingly believe it is misplaced. Cf. Elbogen, 35; Liber (above, n. 32) 347. Yet, the phraseology of petition is derived from Ps. 119, 1953-1954.

one's self in sorrow brought about the composition of numerous penitential psalms in post-Biblical Israel such as, for instance, the Prayer of Manasseh. They were couched in general terms as timeless expressions of the eternal truth that to us pertains confusion of face and to the Lord our God belong compassion and forgiveness. The *Abinu* prayer was of this class.

We cannot know when and why this expression of penance was included in the Tefillah. But before the destruction of the Temple, in A.D. 70, there was no reason for the Jews of Jerusalem to feel the burden of sin so heavily every day. On the contrary, they confided in expiating efficacy of the Day of Atonement. R. Simeon b. Gamaliel still remembered that there used not to be more joyous days in Israel than the fifteenth of Ab and Yom Kippur. So long as the Temple stood, the Altar atoned for Israel. But afterwards Israel could only offer prayers, and the contrite heart.⁴¹

IV

Three benedictions remain unaccounted for: the Eighth, Ninth and Fourteenth. They form a unit as to content and frame. All three, and only these three petitions out of the twelve, deal with material needs of man. Again, only these three blessings among the twelve petitions invoke God as *YH Eloheanu*, that is by the same name which was used in the Benedictions (Sixteenth and Seventeenth) taken over from the prayer formula of the sanctuary and appended to the Tefillah.⁴²

The same divine name is also used in the opening sentence of the First and the Fifteenth Benedictions. Read together, these five paragraphs form a single prayer. After the invocation of God of the patriarchs (1. *Abot*), people pray for health (8. *Re-*

⁴¹ M. Taan. 4, 8. The reference to 15th Ab is puzzling. On penance as a substitute for atoning sacrifice cf. Moore I, 502. It is stated in Taan. 27 that reciting of the "order of offerings" in the synagogal service equals sacrifice and brings atonement.

⁴² Finkelstein, 23, already grouped the Benedictions according to the terms of address and emphasized the importance of this criterion for the history of the Tefillah. On the historical meaning of variations in the use of divine names cf. S. Lieberman, *Light on Cave Scrolls*, PAAJR 20 (1951), 400. The appellation *YHWH Eloheanu* is Biblical (Ex. 3, 18). I Chr. 29, 16. For the rabbinic usage cf. A. Marmorstein, *The Old Rabbinic Doctrine of God I* (1927), 70 f.

jua), a prosperous agricultural year (9. *Birkat ha shanim*) and for Jerusalem (14). The appeal (15): "Hear our voice, O Lord, our God" concludes the prayer.

We have here the nucleus of the Tefillah. All other formulae in the Prayer as we have seen are later additions or insertions. On the other hand the fact that the appendix to the Tefillah, which now forms Sections 16-18 follows Section 15 and that the inserted petitions 10-13 precede Section 14, proves that the 14th and 15th Sections had been welded into a unit long before these changes were made. But the 14th Section is a part of the *YH Eloheanu* prayer and the 15th Section originally concluded the Tefillah. Thus, the original Tefillah, and the *YH Eloheanu* prayer were identical.

As we have mentioned, the Schools of Hillel and Shammai both already assumed that the First-Third and Sixteenth-Eighteenth Benedictions belonged to the Tefillah. The *YH Eloheanu* prayer which antedates the growth of the Tefillah into such a complex structure accordingly must have been already recited in Hellenistic Jerusalem. At that time prayers of the same structure⁴³ and of the same meaning were heard in Greek cities.⁴⁴

As soon as the *polis* as a living unit appears before us in the poem of Hesiod, her citizens pray for peace, health and food.⁴⁵

⁴³ Parallel structures of the Eighteen Benedictions and Greek prayers were already noted in Ed. Norden, *Agnostos Theos* (1913), 206. Cf. also A. Spanier, *Die Formgeschichte des altjuedischen Gebets*, MGWJ 78 (1934), 438-443, and Y. Baer, *Yisrael ba Ammim* (1955), 32-35, who rightly stressed similarity to prayers from Aeschylus, quoted below, n. 45.

⁴⁴ Institutional religion being neglected by modern scholars who are rather interested in reflections of poets, philosophers, and so on, about religion, we still lack a comprehensive work dealing with state rites of the *polis*. Some pertinent material for Civic Prayer may be found in K. Keyssner, *Gottesvorstellung und Lebensauffassung in griechischen Hymnen* (1932), 146 ff. J. Rudhardt, *Notions Fondamentales de la Pensée Religieuse . . . dans la Grèce classique* (1958), 187 f.

⁴⁵ Hesiod, Op. 225 ff.: Justice let the *polis* flourish. There is peace, neither famine, nor plague, the earth produces abundantly, sheep and women are fertile. In the prayer of the Danaids for Argos, Aeschylus (Suppl. 625 ff.) varies the same traditional themes. For instance, the suppliant maidens ask the gods to ward off both foreign war and civil strife. Again, conforming to the dramatic situation, they pray that the Argives may honor Zeus the guardian of strangers. But peace, health and fertility remain the three topics of their prayer. In Aesch., *Eumen.*, 916 ff. the chorus prays for Athens. The poet — naturally — again plays the same theme with variations: no harm to trees and fruits, increase of flock, fertility of earth, no untimely death for men, no civil war. The tripartite prayer is comparable to, yet differs from, the traditional blessing (and malediction) formula

Paralleling private devotions,⁴⁶ this collective prayer now emphasized "health and prosperity," now "health and safety," or "peace" of the city, of the citizens, of their children, spouses and property.⁴⁷ Numerous inscriptions attest the rite.⁴⁸ Theognis of Megara, toward the middle of the fifth century, already used the themes of the civic supplication playfully. "May peace and wealth own this city that I may make merry with my boon companions. I love not evil war."⁴⁹ To quote an example chronologically nearer to the prayer *YH Elohenu*, the city of Magnesia in Asia Minor, ca. 200 B.C., at the annual sacrifice for Zeus the Saviour, prayed for the safety (*soteria*) of the city, of her country, of the citizens and their children and wives, and of all other inhabitants, for peace and wealth, for fruitfulness of the land and of cattle. If such a prayer was heard by Heaven, the annual magistrate of Hellenistic cities used to record that under their guidance the city had enjoyed health, peace, and prosperity.⁵⁰

which promises life and progeny or death and sterility to pious men and violators of an oath respectively. Cf. Hom., Od. 19, 109-114. For oaths, cf. L. Robert, *Études épigraphiques* (1938), 313.

⁴⁶ An Athenian father prayed for the health and prosperity of his family (*ὑγείαν . . . καὶ κτήσιν ἀγαθὴν*) Isaeus 8, 16. An eternal variant of the same timeless prayer is that of older men (Plut. q. conv. 3, 6, 4): ἀναβαλλ' ἄνω τὸ γέρας ὦ καλὰ Ἀφροδίτα.

⁴⁷ Aristoph., Aves, 736: under the rule of the Birds men will have wealth with health, happiness, life, and peace. The comic poet also adds: revelry, dance, etc. The Civic prayer in Arist., Aves, 878, after the pattern of Athenian ritual, mentions "health and safety" (*διδόναι ὑγείαν καὶ σωτηρίαν*). At the end of his "persians," Timotheos asks Apollo to come to the city with gifts of prosperity and peace under the Law (*eunomia*). J. M. Edmonds. *Lyra Graeca* 3, 324. Menander, Colax fr. 1 Koerte (Athen. 14, 659d), the gods are asked: *διδόναι σωτηρίαν, ὑγείαν, ἀγαθὰ πολλά*.

⁴⁸ The usual Athenian prayer was for health and safety of the Council and the People. Every priest of the State cults uttered this petition during a sacrifice. Cf., e.g., Ch. Michel, *Recueil d'inscript grecques* (1900), 1490. Some variants are interesting. In 332 B.C. sacrifice and prayer were offered *ἐφ' ὑγείαι καὶ σωτηρίαι* of the Athenian people "and children and wives and of all in the country" (*καὶ τῶν ἐν τῇ χώρᾳ πάντων*), Michel, ib., 106. In a decree of the third century B.C. (Michel, ib., 1483) health and safety are also requested "for all those who are well-minded toward the People" (*καὶ τῶν ἄλλων ἀπάντων ὅσοι εἰσιν εὖνους τῷ δήμῳ*). On another occasion, the prayer also covers "the produce of the countryside" (*καὶ τῶν καρπῶν τῶν ἐν χώρᾳ*). Syll. 684.

⁴⁹ Theogn., 885-886. Tutelary gods "hold" their city. Using the same verb (*ἔχου*) Theognis substitutes peace and wealth for the Olympians.

⁵⁰ Syll. 589 = F. Sokolowski, *Lois sacrées de l'Asie mineure* (1955), 32. Cf. Syll. 695 = Sokolowski, 33.

⁵¹ Cf., e.g., I Reg. 19, 15; II Chr. 30, 19. King and sacrifices: II Chr. 8, 12. Cf. I Sam. 13, 18; II Sam. 6, 13; 14:21. Ezek. 45, 17. In II Reg. 16, 15 voluntary

These contemporaneous parallels show that the group of blessings which invoke to "the Lord, our God" really form a single prayer. The Greek parallels also make clear the meaning of the three quoted petitions addressed to "the Lord, our God." The original Tefillah was the Civic Prayer for Jerusalem. Both, the Greeks and the Jews, asked for health and food. But while the Greek also prayed for peace or salvation of the city, the covenanted Jew expressed the same idea by supplicating the Deity to have mercy on Jerusalem. "He himself who has His dwelling in heaven, He is guardian and helper of this place smiting He destroys those who come to harm it" (II Macc. 3, 39).

V

The Greeks prayed for their city because she was really *their* city: "the *polis* of the Athenians." The hands of Pallas Athena, as Solon says, from above protected Athens, and in a society without clergy, there was no intermediary between the city and her "magnanimous guardian." But as long as a Davidide, the anointed of the Lord, reigned in Jerusalem it was his right and duty to represent the nation before the Lord of Zion.

The king furnished the daily regular sacrifice. Whether the enemy besieged Jerusalem or the people committed a ritual offense, it was the king's obligation to pray for them to "the God of his fathers."⁵¹ The people rather prayed for the king.⁵² "May men bless themselves by him."⁵³

sacrifices of "all the people of the land" are distinguished from the royal sacrifices. In II Chr. 29, 21 the king offers expiatory sacrifices for himself, the temple and the people ("Judah"). Then (v. 31) the people present voluntary offerings. Of course, individual men and groups, say a village, could sacrifice and pray that the earth yields its increase. See, e.g., Ps. 85, 12. Cf. also Ps. 67, 6; 132, 15; Is. 30, 23; Jer. 31, 12; Jub. 12, 17.

⁵² Cf. good wishes for the king in pre-exilic psalms, as, e.g., Ps. 61, 8. Cf. 28, 8; 63, 12; 84, 9; I Sam. 2, 10. Cf. Ps. 20 prayer for king's victory and Ps. 72 a prayer for the king.

⁵³ The same principle operated in other Oriental monarchies. See, e.g., ANET, 396; The Hittite King or a priest on his behalf daily prayed to the gods to favor the ruler and his house, to grant life, health and fertility, and destroy the enemy. The people answered: "Let it be so." But in Seleucid Babylon, the priest asked the Deity to grant mercy to the city. ANET, 331.

Only in the restored, kingless Jerusalem, under the Persian or Greek domination, could the idea take hold that the nation should pray for herself.

Yet, the Civic Prayer was an anomaly even in post-exilic Jerusalem. The place of Jewish worship was the Temple. As long as the Temple existed, the Jew of Jerusalem went to the Temple to pray. Supposing there were regular prayer meetings outside the Temple in the fourth or third century Jerusalem, it is inconceivable that the Civic Prayer, by passing the Temple should have been formulated for these assemblies. In fact, as R. Joshua b. Levi ca. A.D. 300 noted, the recitation of the Tefillah corresponded with the Tamid, the continuous sacrifice offered twice daily for Israel.⁵⁴ The idea of introducing the obligatory recitation of the Tefillah in the evening, that is to make the prayer unrelated to the daily sacrifices, was an unsuccessful innovation of R. Gamaliel after the destruction of the Temple.⁵⁵ Yet, private prayer was already spoken in the third century B.C. three times daily.⁵⁶ Accordingly we must presume that the Tefillah, or at least its nucleus, the Civic Prayer was originally spoken in the Temple in connection with the statutory sacrifices for the people. However, there is an intrinsic difficulty in this hypothesis.

The sacrifice is an action which like every action exercises influence by itself. A verbal formula can only strengthen, or if required, direct the action.⁵⁷ For the latter reason a prayer may be

⁵⁴ Ber. 26b. Cf. M. Ber. 4, 1 and T. Ber. 3, 1 where the rule is stated that the morning Tefillah may be said until Midday, and the evening Tefillah in the afternoon because the continual burnt-offering was offered in the corresponding hours. The Tefillah was also recited when the additional statutory sacrifices were offered on Sabbaths and festal days. M. Ber. 4, 1.

⁵⁵ Elbogen, 102; Moore, 2, 220.

⁵⁶ Dan. 6, 11. Cf. Judith 9, 1.

⁵⁷ The sacrifice, as its Latin and Greek (*hierourgia*) names show, is "action within the sphere of things sacred to gods." W. Robertson Smith, *The Religion of the Semites*, ch. VI. On the sacrificial act as action, cf. A. Loisy, *Essai historique sur le sacrifice* (1920), 25 and 88. The sacrifice without prayer seems to have been neglected by students of religion. For the formula of surrendering an offering to a god in primitive worship, cf. F. Heiler, *Das Gebet* (4th ed. 1920), 76. Among the Arabs sacrifice, and every slaughtering, is accompanied by the formula of presentation ("In the name of God") but there is no prayer, though in the *piacula* the worshipper identifies himself expressly to the victim. J. Chelhood, *Le sacrifice chez les Arabes* (1955), 55; 176; 201. In the Egyptian daily ritual, the priest simply presented food and drink to the idol with the appropriate formula, as, e.g., "Take the whole offering." M. Alliot, *Le culte d'Horus à Edfu* (1949), 58. Prayers for the king

necessary when a sacrifice is offered on some special occasion. Nehemiah, having recovered the holy fire of the Solomonic Temple, offered a sacrifice. While it was being consumed, the priests asked God to accept the offering on behalf of Israel, to gather the Diaspora and to afflict the oppressors of the holy city.⁵⁸ But there is no hint in the Bible or in later sources that the statutory sacrifices in the Temple of Jerusalem were accompanied by prayer. By means of an offering, man persuaded a deity to "ally" with him, as the Greek expression said.⁵⁹ But in the covenanted system of daily oblation a sacrificial prayer would be superfluous and obnoxious. The priests and the lay assistance at the daily sacrifices in Jerusalem only prayed to the merciful Deity for gracious acceptance of the offering of His people.⁶⁰

It is true that Psalms were sung at the statutory sacrifices. However, these Hymns were praises (*Tehillot*) and not supplications (*tefillot*) and did not refer to the offering. For instance, Psalm (24) sung on Sundays just proclaimed that the earth is the Lord's.⁶¹

were inserted in this ritual of the Ptolemaic period on festivals and independently from the oblation (ib., 155) though a reference to the king also appears in some parts of the daily service. The surrendering formulae in the worship of the dead are similar. See, e.g., E. A. W. Budge, *The Liturgy of Funeral Offerings* (1909), 68: "I have brought it to thee, place thou it in thy mouth." Cf. generally H. Bonnet, *Reallexicon der ägyptischen Religionsgeschichte* (1952), 548 and 551.

⁵⁸ II Macc. 1, 23. The whole episode is patterned after Elijah's miracle on Mount Carmel. Here, too, a prayer is spoken before the oblation (I Reg. 19, 36) and the fire of the Lord consumes not only the victim but the wood, the stones of the altar and the water poured on the altar. For prayer during a private sin offering: Job, 42, 8. When Is. 56, 8 calls the Temple "house of prayer," he speaks of prayers and voluntary sacrifices of the aliens.

⁵⁹ When Solomon offered a thousand burnt offerings at Gibeon he obviously formulated no petition on this occasion. For God asked him in a dream what was his request. On the other hand, at the dedication of the Temple of Jerusalem, God heard and then, in a vision, answered Solomon's prayer. But this prayer was uttered not during a sacrifice but between two series of sacrifices, though before the Temple altar. Voluntary public or private sacrifices were necessarily accompanied by prayers stating the meaning of the offering. Cf., e.g., Ps. 26, 5; 27, 7; 81, 4; 116, 7.

⁶⁰ The prayer is quoted in Targum of Song of Songs, 4, 6, p. 89, ed. R. H. Melamed (1921). I was referred to this remarkable text by Strack-Billerbeck (above, n. 1) 2, 79. The same prayer is paraphrased in Taan. 27b. The priestly prayer for acceptance of the sacrifice became the sixteenth section of the Tefillah. A rabbinic text stresses the fact that only on one occasion (Deut. 26, 13) the Jews supplemented the offering by a demand. Cf. S. Lieberman, *Tarbit* 27 (1958), p. 186, n. 34.

⁶¹ M. Tamid, 7, 3. Cf. II Chr. 29, 27; II Macc. 1, 30. According to Sir. 50, 16

It is true again that in the last decades of the Temple the priests every morning celebrated a prayer service. Yet, it was held outside the Temple-court, and was unrelated to the sacrificial service.⁶² The priests were not prayer virtuosi but skilled butchers. When the eye-witnesses admiringly described the Temple daily sacrifice, they praised the dexterity of priests in throwing up parts of the victim on the altar. It was the silence of the priests during the sacrificial operations which impressed the observer.⁶³ The offering itself was self-sufficient to conciliate Heaven. "The blood makes atonement" (Lev. 17, 11). The daily sacrifices atoned daily for Israel's transgressions.⁶⁴ Only personal sin offerings were statutorily preceded by confession of sins and by request for forgiveness.⁶⁵

The High Priest, after burning incense in the Holy of Holies on Atonement Day, in the anteroom of the Temple building, prayed for a prosperous year, sometimes adding other requests, for instance for the Temple.⁶⁶ Again, prayer was here separated from the sacrificial act. On the same day, he prayed for the Temple, the priests and Israel in the Court of Women,⁶⁷ that is outside the Altar enclosure where sacrifices were offered.⁶⁸ It is significant that at this prayer meeting he was not required to

the Levites sang only after the libation. Songs were performed only over the prescribed public offerings. Arak. 11b.

⁶² M. Tamid, 4 and 5, 1.

⁶³ Aristaeas, Epist. ad Philocr., 92 and 98. Tos. Yoma 1, 4; Sukk. 50a. Cf. A. Buechler, *Die Priester und der Kultus* (1895), 70, n. 5. When Jeremiah (14, 11) describes God's refusal to hear pleading for Israel he let the Deity say: "Though they fast, I will not listen to their cry, and though they offer up burnt-offering and meal-offering, I will not accept them." Supplication is a part of a fast service.

⁶⁴ Lev. 17, 11. Cf. Jub. 6, 14; 50, 11. The stones of the Altar established peace in Jerusalem; Johanan b. Zakkai, Mekh. Exod. 20, 21 (3, p. 290, ed. Lauterbach). S. Schechter, *Aspects of Rabbinic Theology*, 226 and 300; Bonsirven, 2, 95.

⁶⁵ Lev. 5, 5; M. Yoma, 3, 8; 4, 2; 6, 2.

⁶⁶ M. Yoma, 5, 1. One High Priest's prayer in the Temple, cf. also Yoma, 53a; pal. Yoma, 5, 2, p. 42c; Taan. 24b; Lev. R. 20, 4, p. 455, ed. Margules.

⁶⁷ M. Yoma, 7, 1. The High Priest spoke the confession of sin for the people before sending the scapegoat off to the desert (Lev. 16, 21; M. Yoma, 6, 2) but he did not pray when the sin-offering bullock and the sin-offering goat were sacrificed (Lev. 16, 27; M. Yoma, 6, 6). The rabbis only discussed whether he read Lev. 16 after the sending away of the scapegoat. Cf. pal. Yoma, 6, 6.

⁶⁸ Those who were present at the reading of the Torah (and prayer service) in the Court of Women could not see the sacrifice prescribed in Lev. 16, 27, because both actions were performed simultaneously (M. Yoma, 7, 1).

wear the hallowed garment necessary for his sacrificial office.⁶⁹

The king, at the time when the post-exilic Jerusalem again had a king, that is under the Hasmoneans and the Herodians, once in seven years prayed for the nation at the last day of the Feast of Tabernacles at the end of the Sabbatical Seven Year Cycle.⁷⁰ But these interventions of the King and of the High Priest were exceptional while the Civic Prayer was recited twice daily. Where was its place in the Temple Liturgy?

VI

Between 150 and 145 B.C., the High Priest Jonathan wrote to the Spartans that the Jews unremittingly remember them at festivals and "at other days" (Sabbaths and New Moons,) "at the sacrifices which we offer and in prayers."⁷¹ In the same way Greek cities remembered friends and allies in their public prayers. For instance, during the Peloponnesian War, the Athenians prayed jointly for themselves and the Chians "and at libations in public sacrifices likewise prayed to the gods to give good things also to them."⁷² There was no other regular prayer but the Tefillah where the Jews could have mentioned their Spartans, "as it is right and proper to remember brothers."⁷³ Jonathan, imitating the gentile custom, inserted a reference to the Spartans in the Civic Prayer, an example which illustrates the growth of the Tefillah.

The Letter of Jonathan also confirms the inference that the Civic Prayer was integrated into the sacrificial system. Its exact

⁶⁹ Cf. M. Yoma, 7, 1, and the discussion of this rule in Yoma 68b.

⁷⁰ M. Sota, 7, 8.

⁷¹ I Macc. 12, 11. Cf. the intercession prayer for the Egyptian Jews in 124 B.C. (II Macc. 1, 6). The Greeks equally prayed for their political friends (Athenians and Plataea: Herod. 6, 11) and for the co-religionists. W. S. Ferguson, *The Athenian Orgeones*, Harvard Theol. Rev., 37 (1944), 101.

⁷² Theopomp. 115, fr. 104 Jacoby (Schol. Arist., Aves, 878). Cf. Ad. Wilhelm, *Jahreshefte des Oesterr. Archaeol. Inst.* 5 (1902), 127. Cf., e.g., Syll. 661: the prayer for health and safety of the citizens, etc. "and of friends and allies."

⁷³ The prayer for the pagan overlord accompanied the special sacrifice on his behalf, just as, say, the Captivity in Babylon, according to Baruch, 1, 11, sent money to the Temple to offer a sacrifice and pray for the life of Nebuchadnezzar and Belshazzar. These voluntary offerings should not be confused with the statutory service. Jonathan, as the wording of his letter shows ("on every occasion," "unceasingly"), speaks of the regular sacrifices on festivals.

place is given in an earlier document, the description of the pontifical service by Ben Sira.

After the sacrifice and libation, the priests shouted and sounded the trumpets. The people prostrated themselves, the Levites sang Psalms. The priestly blessing followed. So far, the sequence is normal, but between the libation and the priestly blessing the people "besought the Lord Most High in prayer before Him who is merciful."⁷⁴ A collective supplication in the Temple during the continuous sacrifice offered by and in behalf of the nation could be only a national prayer.⁷⁵ The only continuous prayer of this kind was the Tefillah. The evidence of Jonathan's Letter and that of Ben Sira are in agreement and complementary.⁷⁶

As a matter of fact, Ben Sira elsewhere⁷⁷ and, on the other hand, the author of the Book of Jubilees, which is roughly contemporaneous with Ecclesiasticus, allude to the Civic Prayer.

Ben Sira composed a prayer for the ingathering of the Cap-

⁷⁴ Sir. 50, 19. The Cairo Hebrew version of Ben Sira has the verb *ranan*, shout, but in Hebrew, with reference to a prayer, it would rather mean "shout praise" and not supplicate. *Proseuche* is *tefillah* (so also in the Cairo version) or *techinna*. For the expression "supplicate with prayer," cf. Dan. 9, 18 and 20.

⁷⁵ Elbogen, 73 identifies this supplication with the *Tachanunim*, that is the individual petitions which follow the Amidah in the synagogal service. But Ben Sira speaks of a collective prayer. Further, this supplication, and also the Amidah in the Synagogue, preceded the priestly blessing (cf. M. Ber. 5, 4; T. Ber. 5, 6). The *Tachanunim* follow the priestly blessing. Last but not least: the *Tachanunim* are no part of the statutory liturgy.

⁷⁶ Note that Ben Sira describes the pontifical service. According to Jos. Antt. 5, 5, 7, 236, the High Priest sacrificed on Festivals, the New Moon Days, and Sabbaths. But the Temple service on these days was distinguished only by additional sacrifices. There is no reason to suppose, as commentators do, that Ben Sira refers to the Day of Atonement.

⁷⁷ A Hymn inserted in the Cairo Hebrew recension of Ecclesiasticus after 52, 12, though modeled after Ps. 136, often agrees in wording with the Amidah and sometimes with the prayers of the Covenanters of Qumran. Cf. W. O. E. Oesterley, The Jewish Background of Christian Liturgy (1925), 55-57; Ch. Rabin, Qumran Studies (1957), 56; S. Talmon, The "Manual of Benedictions" RQ 2 (1960), 492. The Hymn cannot be authentic, because its author, quoting Ps. 132, 17, gives thanks to God "who makes a horn to sprout for the house of David." That agrees with the Fifteenth Benediction in the Babylonian recension of the Amidah, that is with a text inserted in the Prayer at least three centuries after Ben Sira. Cf. above, n. 18. Again in v. 14 God is called "the King of the Kings of Kings." In the Bible God is just "King." In the Hellenistic age, he becomes "King of Kings" (e.g., Enoch 9, 4; Jub. 8, 20; III Macc. 5, 35). But the title in the Hymn presupposes the existence of earthly rulers who called themselves "Kings of Kings." The latter title was not used in the time of Ben Sira, but was re-introduced by the Parthian kings in the first century B.C. Accordingly, God is sometimes called "King of Kings of Kings," in rabbinic sources. M. Abot 3, 1; and other passages quoted in Bonsirven I, 143.

tivity, a fact which implies incidentally that the public Tefillah did not touch the subject at his time.⁷⁸ He ends his composition as follows: "Have mercy upon the people that is called by Thy name, even upon Israel . . . have mercy upon the city of Thy sanctuary, Jerusalem."

It is a variation of the Fourteenth Blessing of the Amidah. In the latter God's mercy is also asked for Zion, "the abiding place of Thy Majesty." Ben Sira again varies: he calls Jerusalem "the place of Thy rest" and supplicates God to "fill Zion with the stories of wonders" (as Ben Sira's grandson translated the text) that is to prove God's majesty by returning the Exile.⁷⁹

In Jubilees, Abraham after having eaten, blessed the Most High God. His prayer is tripartite: he thanks God for food and drink, he thanks God for health and prosperity, and he asks God's mercy on the seed of his sons, the chosen nation. We have here the three petitions of the Civic Prayer: food, health (and prosperity) and safety.⁸⁰

VII

The Civic Prayer in the Temple signified a double change in the system of Jewish worship, based on priestly sacrifice. Public prayer was for the Jews only a substitute for sacrifice. The Synagogue still prays that God will speedily restore the sanctuary so that the sacrificial service might be celebrated again. On the other hand, even the private devotion in the Temple required some offering. "None shall appear before Me empty handed" (Ex. 34, 20).

⁷⁸ Ben Sira concludes the description of the service in the Temple by formulating his own prayer which repeats motifs of the Civic Prayer: gladness of heart, peace, and divine favor. He again adds the hope for deliverance (Sir. 50, 23). The Syriac version (followed by the Cairo Hebrew) adds the petition for the High Priest Simeon, which has been omitted by the Greek translator who worked after the fall of the high priestly dynasty of the Oniads.

⁷⁹ Sir. 36, 13-14. The Greek version speaks of "aretologia." Cf. Nilsson (above, n. 50), 2, 216.

⁸⁰ Jub. 22, 6-9. Cf. the Athenian table song asking the goddess Athena to set straight the city, save it, and the citizens from sickness, sedition and untimely death (Athen. 15, 694c). L. Finkelstein, *The Birkat ha-Mazon*, JQR, NS, 19 (1929), 219 f. has shown the structural analogy between Abraham's prayer in Jub. 22, 6-9 and the Grace after Meal, and has proven that the earliest text of the third blessing in the Grace was identical with the Twelfth Benediction of the Amidah.

The insertion of the Civic Prayer in the daily ritual of the Temple betrays the new feeling that the sacrifice alone, *ex opere operato*, does not suffice to bring about a union between God and His people. We should be wary of interpreting this fact anachronistically, as if it were an expression of any anti-ceremonial feeling. A Psalmist could say that a broken heart rather than a burnt-offering pleases God. Ben Sira could say that he who gives alms sacrifices a thank-offering, but such passages refer to private and voluntary sacrifices.⁸¹ Nobody ever doubted the meaning of the statutory national sacrifices as effecting reconciliation in the system of the covenant. But the deepened sense of sin dominated the religious outlook of the Jews after the Exile. A fuller apprehension of their unworthiness led the Jews to the intensification of worship. The Civic Prayer supplemented the daily sacrifice because the unfaithful nation had impaired the right relationship between Israel and the God of the covenant.

It is more difficult to appreciate the historical significance of a second aspect of the Civic Prayer. The Temple liturgy was the exclusive office of the priests and Levites. The laymen were not even admitted near the sacrificial altar. They were mute spectators of the sacerdotal performance. At certain times, at a signal, they uttered the response to the Levitic hymns and to the priestly blessings by shouting the prescribed doxologies such as "Blessed be the name of the glory of His kingdom for ever."⁸²

In the late Hellenistic period representatives of the people were delegated to stand by at the sacrifices in the Temple. These standing lay-posts (*ma'amadot*) prayed that the offerings of the Jews who remained at home in their towns and villages might be accepted.⁸³ Modern scholars naïvely and anachronistically think that the purpose of the institution was to assure the participation of laity in religious life. The rabbis knew better. They derived the idea of the popular representation from Num. 28, 2 where the "children of Israel" are commanded to make offerings. This interpretation means that the priests who officiated in the Temple

⁸¹ Ps. 51, 18; Sir. 35, 1.

⁸² Cf. T. Taan, I, 11 (12) according to the text and interpretation in S. Lieberman, *Tosefta-ki-Fshutah* 5 (1961), 1074.

⁸³ Cf. Moore 2, 12; M. Avi Yonah, *Geografia Historit shel Eretz Israel* (1951), 63.

were only agents of the laity. "How can the offering of a man be offered and he does not stand by it?"⁸⁴

This view is completely un-Biblical and incompatible with the principle of consecrated priesthood. The idea could hardly take hold of the Jewish mind before the introduction of the half-shekel poll-tax levied under the Hasmoneans to cover the costs of the sacrifices.⁸⁵

Yet, the notion that the daily ritual in the Temple some way involves every Jew must have been widespread after the Exile. When the Second Temple was being built, the Elders of the Jews explained to the Persian administration that "our fathers had provoked the God of heaven." The guilt was national: at the dedication of the new house of God twelve he-goats according to the number of the tribes of Israel were offered as expiatory victims.⁸⁶ Accordingly, the "remnant that has escaped" felt themselves responsible for the fulfillment of the divine Law be it the marriage interdictions or the Temple oblations.

But if the sense of guilt and of own unworthiness demanded an insistent daily prayer supplementing the continuous sacrifice, who could offer this prayer? The High Priest prayed at the Atonement Day only. The priests while performing the daily sacrifice did not voice supplications.

But the pilgrims who came to Zion sometimes prayed for the holy city. "*Shalom* be within thy ramparts, security within thy palaces." Another post-exilic Psalmist, again referring to the walls of the holy city, rebuilt by Nehemiah, invited Jerusalem to praise the Lord who gave *shalom* and plenty of fine wheat to the city.⁸⁷ The Civic Prayer standardized such feelings and made the petitions a continuous offering.

Yet, the composition of the Civic Prayer for Jerusalem occasions surprise. *Shalom* was the word which for the Jew embraced the idea of well-being and all its aspects: peace, prosperity, health. But in the Civic Prayer, in the same manner as in Greek patriotic supplications, modes of well-being are specified: health, prosperity,

⁸⁴ M. Taan, 4, 2.

⁸⁵ Cf. my observations in the *Annuaire de l'Inst. de Philol. et d'Hist. Orient.* (University of Brussels), 7 (1944), 5.

⁸⁶ Ezra 5, 12 and 17.

⁸⁷ Ps. 12, 6 and 147, 14. Cf. 29, 11; 72, 7; 128, 6.

safety. Was the Civic Prayer for Jerusalem constructed after a Greek model? ⁸⁸

VIII

The essential result of this study can be summarized as follows. In five sections (1,8,9,14,15) of Palestinian recension of its daily Prayer (Tefillah), the Synagogue has preserved the Civic Prayer for Jerusalem, uttered in the Temple by the people after the libation rite of the continuous sacrifice (Tamid). The prayer was post-exilic, and is first attested ca. 200 B.C. It was first said on festival days only, but became a part of the daily sacrificial service after 145 B.C.

How and when the Civic Prayer of the Temple became the Tefillah of the Synagogue is another question which is beyond the scope of this paper and of the author's competence.

⁸⁶ The notion that God protects Zion was, of course, a current one (cf., e.g., Ps. 25, 22; 51, 20; 69, 36; 130, 8.) Again men asked for prosperity for themselves or their children (e.g., Tob. 10, 11), and so on, but the Tefillah was a common supplication.

ADDENDA TO NOTES

⁸¹ I deal with the relations between prayer and blessing in a paper appearing in *Revue Biblique*, July, 1962.

⁸² When Jos. C. Ap. 2, 23, 196 states that at Jewish sacrifices one must first "pray for the general welfare" and only afterwards for himself, he alludes to this rule. His words attest the use of the developed Tefillah in the Herodian Temple.

⁸³ *Physis, dynamis* and *erga* of a deity are also praised in Greek hymns. Cf., A.-J. Festugière, *Harvard Theological Review*, 42 (1949), 226. Plato's words, Leg. 9, 862 b, remind one of the phraseology of Geburot.

⁸⁴ Further, cf., K. v. Fritz, *Greek Prayer*, *Review of Religion* 10 (1945), 5-39 and E. de Places, *La prière cultuelle dans la Grèce ancienne*, *Revue des sciences religieuses* 33 (1959, 343-359).

⁸⁵ Cf., also Philod. de piet. 25.

⁸⁶ The conditions of sale of priesthood at Priene specify that the priest should offer sacrifices and utter prayers for the city of Priene. Sokolowski, 37. On the inscriptions recording the success of supplications cf., Ad. Wilhelm, *Inscriptionen aus Tenos*, *Epitymbion H. Swoboda* (1925), 340-344; L. Robert, *Hellenica* 2 (1946), 142.

⁸⁷ The petition for the people and the country is added in Ps. 28.

⁸⁸ Philo, de spec. leg., 3, 23, 131 says that the High Priest daily offers prayers and sacrifices and asks for good things (*agatha*) for the whole nation so that it may obtain peace and good order (*eunomia*). Philo does not refer to the pontifical private sacrifice (cf., Lev. 6, 12) as E. Schuerer, *Geschichte* 2 (1907), 348, n. 35, says, but to the Priestly Blessing (Num. 6, 23) which was pronounced twice daily in the Temple liturgy. Cf. Elbogen, 67. Or does Philo mean the "Civic Prayer"?

17.

RABBINIC INTERPRETATION OF SCRIPTURE

SAUL LIEBERMAN

The Rabbis never suggest a correction of the text of the Bible. In the entire rabbinic literature we never come across divergences of opinion regarding Biblical readings.¹ It is therefore obvious that the textual corrections of Greek classics practiced by the Alexandrian grammarians have no parallel in the rabbinic exegesis of Scripture.

It has been indicated in the previous chapters that in rabbinic tradition exceedingly few traces are left of the literary activity of the Soferim. The literal meaning of the word Soferim is scribes. The Rabbis interpreted it to mean "tellers"; the Soferim counted the letters of the Torah.² They probably knew the number of letters in every section.³ In this they resembled the *γραμματικός*, grammarian,⁴ but they came much closer to his character in the rest of their literary activity. The word *Sofer* in Is. 33:18 was understood by the Septuagint in the same sense. They translated this verse: *ποῦ εἰσιν οἱ γραμματικοί*; Where are the Grammarians?⁵ Indeed the Soferim were grammarians,⁶ and they engaged in the same activity which was pursued by the Alexandrian scholars. They elaborated the so called *Midrash* (interpretation) of the Bible. Although the word is already found in II Chron. (13:22 and 24:27) it is highly

¹ The only questions sometimes raised by the Rabbis in this connection have to do with the *matres lectionis* or vocalization. See *Mishnah Sotah* V. 5; *'Abodah Zarah* II. 5, passim. Comp. also *TP Kil'aim* III. 1, 28c; *Sanhedrin* VII. 11, 25b; *TB Kiddushin* 30a.

² *TB Hagigah* 15b; *Kiddushin* 30a.

³ See above p. 42, n. 35. For the later *Massorah*, see Ginsburg, *Introduction* etc., p. 113.

⁴ Concerning the number of letters in the Pentateuch, see A. Marx in *JBL* XXXVIII, 1919, p. 24 ff. On the counting of letters, see Th. Birt, *Das antike Buchwesen*, p. 161. On the stichometry of the ancients, see above p. 24, n. 31.

⁵ Ezra the Scribe happened to be a grammarian as well.

⁶ Of course, not in the strict sense of our modern usage of the word.

doubtful that it carries there the technical meaning of rabbinic times. The Septuagint translates it respectively: βιβλίον, γράφή.⁷ However some copies of the *Hexapla*⁸ translate שרר (in II Chron. 13:22) ἐκζήτησις, enquiry, which is the exact equivalent of our word. "*Ezra has set his heart to inquire into the Law of the Lord*" (Ezra 7:10). The Hebrew שרר is correctly translated by the Septuagint: ζητῆσαι, to inquire.

One of the first fundamentals of research is to ask "why", to inquire into the reasons of a given matter. מפני מה, "why",⁹ is the common term used by the Rabbis in their interpretation of Scripture. Similarly, Didymus the grammarian¹⁰ likes to introduce his disquisitions with ζητεῖται, διὰ τί etc.,¹¹ and the ζητήματα¹² constituted a notable part of the philologic,¹³ the philosophic and the juridic literature.¹⁴ Ἐκζήτησις, as found in some copies of the *Hexapla* (see above), is the correct rendering of *Midrash*.

But the first rudiment of the interpretation of a text is the ἐρμηνεία, the literal and exact equivalent of the Hebrew תרגום, which means both translation and interpretation.¹⁵ The Rabbis derived¹⁶ from the verse in Nehemiah (8:8) that Ezra performed the functions of a ἐρμηνευτής (translator and interpreter) and γραμματικός.¹⁷

The elementary task of the interpreter of the Bible was to explain the *realia* and to render the rare and difficult terms in a simpler Hebrew, or, sometimes, in Aramaic. The *Tannaitic*

⁷ See Bacher, *Terminologie* etc. I, p. 104. Comp. also M. H. Segal in *Tarbis* XVII, 1946, p. 194 ff.

⁸ See Field a. l.

⁹ See Bacher, *Terminologie* etc. I, p. 113, s. v. מפני מה.

¹⁰ Flourished in the first century B. C. E.

¹¹ See G. Zuntz, *Byzantion* XIII, 1938, p. 647, n. 3.

¹² In the Talmud בענין, see below p. 183, n. 25.

¹³ See K. Lehrs, *de Aristarchi studiis Homericis*¹, p. 217 ff. Comp. p. 213 *ibid.*

¹⁴ See F. Schulz, *History of Roman Legal Science*, p. 342, Note DD.

¹⁵ Comp. also Brockelmann, *Lexicon Syriacum*, 834a.

¹⁶ *TP Megillah* IV. 1, 74d; *Beresith Rabba* XXXVI. 8, p. 342; *TB Megillah* 3a and parallel.

¹⁷ Comp. A. Kaminka, *Encyclopaedia Judaica* IV, p. 622.

Midrashim swarm with such translations.¹⁸ The Rabbis like to introduce such simple renderings with the term: אין . . . אלא, "nothing else than."¹⁹

These translations are sometimes quite instructive. The Rabbis often explained the "Bible by the Bible,"²⁰ and their Hebrew translations are often quite illuminating. For instance, we read in *Sifra*:²¹ מעל אין מעילה אלא שינוי. וכן הוא אומר וימעלו בה' "Ma'al" (Lev. 5:15). 'Me'ilah' is nothing but faithlessness, for it is written (I Chron. 5:25): 'And they broke faith (*vayyim'alu*) with the God of their fathers and they went a-whoring after the ba'alim'.²² Similarly it is written (Num. 5:12): 'If any man's wife go astray and act unfaithfully (*ma'al*) against him'." Aquila translated מעל (in Lev. 5:15) παραβασις, transgression.²³ The Rabbis were more exact. They followed sound philological method and established its meaning from other places in the Bible where the word is explicitly associated with unfaithfulness. The Biblical מעל was rendered שינוי by the Rabbis, a word probably common in the current Hebrew of

¹⁸ See *Mekhillah*, ed. Lauterbach I, p. 8213; 204231 passim. *Mekhillah deRashbi*, ed. Hoffmann, p. 12; *Sifra*, ed. Weiss 108d (comp. Lieberman, *JQR* XXXVI, 1946, p. 352, n. 179); *ibid.* 111a-d; *Sifre Zuta*, ed. Horovitz, p. 2926; *Tarbiz* VI, 3, p. 105 and n. 3 *ibid.*; *Jubilee Volume in honor of Samuel Krauss*, Jerusalem 1937, p. 33, n. 16. Comp. also L. Dobschütz, *Die einfache Bibel-exegese d. Tannaim*, pp. 20-25 and the instances quoted below.

¹⁹ See, for instance, *Mekhillah*, ed. Lauterbach I, pp. 2768; 443, 5; 4865; 4983; 5675; 6785; 11042; 15920; 16041; 17013; 17470-72; 19045; 19147; 202200; 22520; 24525; *ibid.* II, pp. 225; 3818; 8832; 15141; 26942; 28986; *ibid.* III, p. 2478; 2590; 4556-58 and 6654-57. It is also very frequent in all the other *Halakhic Midrashim*, see Bacher, *Terminologie* etc. I and II, s. v. אין and לשון. Comp. Gen. 28:19. It corresponds to the Greek: οὐδὲν ἄλλο . . . ἢ.

²⁰ *Tora* סתור תורה, see *TP Megillah* I. 13, 72b. For linguistic purposes the Rabbis considered the entire Bible as a unit. See *TB Baba Kamma* 2b.

²¹ *Vayyikra*, *Hoba* XI. 1, ed. Weiss 25c. Comp. *TB Me'ila* 18a.

²² This is also the reading of *TB ibid.* But our text of the Bible reads אלהי עמי הארץ, "The gods of the peoples of the land." The rabbinic scribes most probably completed the quotation from memory, according to the more familiar verse (Jud. 8:33).

²³ On the rendering of the Septuagint, see Schleusner, *Lexicon in LXX* etc., s. v. λανθάνω.

the time. Indeed, *Sifre Zuta*²⁴ also renders בו ומעלה ("And acts unfaithfully against him." Num. 5:12) שנית.²⁵ It is likewise used in *Sifre*²⁶ with the same meaning.²⁷

The Septuagint, the oldest of our preserved *Midrashim* often agrees with these simple interpretations of the Rabbis,²⁸ but the latter are sometimes more consistent. For instance, on Ex. 12:13 and 23 they remark: פסחא חייסנא שנאמר כצפרים²⁹ "The word פסחא means nothing but protection, as it is said (Isa. 31:5): 'As birds hovering, so will the Lord of Hosts protect Jerusalem; He will guard and deliver it, He will protect and rescue it'." The Rabbis prove the meaning of פסח from Isa. 31:5 where the context indicates that פסחא signifies protection.³⁰ The Septuagint translates (Ex. 12:3) ופסחתי עליכם καὶ σκεπάσω ὑμᾶς (and I shall protect you)³¹ and פסח (ibid. 27) ἐσκέπασεν (protected). But ופסח (ibid. 23) is translated: καὶ παρελεύσεται (And He will pass by). The latter agrees with R. Josia's interpretation³² of the verb פסח, which is accepted by the Jewish commentaries.³³

²⁴ Ed. Horovitz, p. 23312.

²⁵ See *Sifre* ibid., p. 117 ff. and comp. *Mekhilla Nezikin* III, ed. Lauterbach, vol. III, p. 2590.

²⁶ II, 306, ed. Finkelstein, p. 330. The Rabbis explain Mal. 3:6: כי אני ה' לא שנית to mean "For I, the Lord, was not unfaithful." This is probably the true meaning of the verse, see below, n. 27.

²⁷ H. Yalon in the Hebrew periodical מליה II, p. 172, adduces post-Tannaitic sources which employ the verb שנה with a similar meaning. He correctly associated it with Prov. 24:21: עם שונים אל חקרב. According to the sources quoted above in the text, the verse should be rendered: "Meddle not with traitors." Comp. also Liddell and Scott, *Greek Lexicon*, s. v. μεθίστημι. B. I. 4.

²⁸ It can be ascertained by comparing the sources referred to above, n. 19, with the Septuagint.

²⁹ *Mekhilla, Pisha* VII, ed. Lauterbach I, p. 5675 (Comp. 5787); ibid. XI, 8790

³⁰ Variant reading: חסם.

³¹ Comp. also *Tosefta Sotah* IV. 5, 29912; *Mekhilla*, ed. Lauterbach I, 185207. The correct English translation of the verse ibid. is: "The Lord will protect the door."

³² אסח in Ps. 61:5 is translated by the Septuagint: σκεπασθήσομαι.

³³ *Mekhilla* ibid., p. 5784.

³⁴ Comp. also Field, *Hexapla* Ex. 12:11, n. 11, who refers to Philo and Josephus. See Riedel, *ZATW* XX, 320 ff. and below p. 209.

Aquila also translates (Ex. 12:11 and 27) the name פסח ὑπέρβασις (skipping over), but Symmachus renders it:³⁵ φασέχ ὑπερμάχησιν ἔστιν. "[The word] *faseh* means defence."³⁶

Indeed the verb פסח certainly means to step over, to skip,³⁷ but from the Prophets the Rabbis proved that it also signified to protect, and their translation makes much better sense of Ex. 12:23. Since the word has two meanings they preferred the one which suited the context best.

It appears that comments formulated אֵין...אֵלמ which are incorporated in the *Halakhic Midrashim* have their origin in a very ancient commentary of the Law. Most of these comments undoubtedly provide the plain meaning of the text. In course of time this vigorous assertion (i. e., it is nothing but . . .) was extended even to *Midrashic* exposition,³⁸ but as such it was almost exclusively limited to the narrative parts of the Bible. The use of this emphatic formula for a *Midrashic* comment therefore becomes one of the characteristic exaggerations of the *Aggada*; it degenerates into a mere literary phrase, and the Rabbis themselves will not take a comment introduced by these words more seriously than any other *Midrashic* interpretation in the *Aggada*.³⁹

The Rabbinic sages sought to understand the meaning of the difficult and rare words in Scripture not only through parallels in the Bible itself where the sense of the expression is clear. They also sometimes explained them with the aid of other languages, remarking that the given word is לשון כנעני, Phoenician,⁴⁰ לשון מצרי, Coptic,⁴¹ לשון סורסי, Syriac,⁴² or derived from some other tongues.⁴³

³⁵ Comp. Field *ibid.*

³⁶ Comp. also the Aramaic *Targumim* a. l.

³⁷ I Kings 18:21 and 26. See however Ibn Gānāh, ספר השרשים, p. 405.

³⁸ See *Mekhilla*, ed. Lauterbach I, 151133; 1691; 19150; 19160; 20631; 20735; 21083; 22174 (in the variants); 22634; 22988; 23321; 241125; *ibid.* vol. II, 221-3; 2647; 6814; 13958; 169102; 186110 and so in the other *Halakhic Midrashim*.

³⁹ See Lieberman שיעורין, p. 82 ff.

⁴⁰ See *Sifre* II, 306, ed. Finkelstein, p. 33612 and notes *ibid.*

⁴¹ See *Pesikta deR. Kahana* XII, 109b. Comp. A. Brüll, *Fremdsprachliche Redensarten*, p. 47.

⁴² *Mekhilla Pisha* III, ed. Lauterbach I, 28.

⁴³ See Brüll *ibid.*, p. 30 ff. Comp. also Samuel Rosenblatt, *The Interpretation*

The early Jewish interpreters of Scripture did not have to embark for Alexandria in order to learn there the rudimentary methods of linguistic research. To make them travel to Egypt for this purpose would mean to do a cruel injustice to the intelligence and acumen of the Palestinian sages. Although they were not philologists in the modern sense of the word they nevertheless often adopted sound philological methods.

However, the Rabbis were confronted with a much more difficult problem than this simple linguistic research. They treated all of Scripture as one unit. They had to reconcile apparent contradictions in it. Moreover, the Bible, in addition to its narratives, contains the body of Jewish Law. No law book in the world explicitly encompasses all the possible cases. As life developed new legal questions rose which are not clearly stated in the Bible. It is only by way of comparison, inquiry into the spirit of the laws, and special interpretation that proper deductions could be made. Hence, the Rabbis had to introduce a complicated system of interpretation; the grammarians had sometimes to assume the functions of advocates and rhetors (see below).

We learn from the *Tosefta*⁵² that Hillel the Elder applied seven norms of interpretation in his discussion with the Bene Bathyra.⁵³ The seven rules are: *קל וחומר* ו*גזירה שוה* ו*בניין אב* ו*כחובין* ו*כלל ופרט* ו*פרט וכלל* ו*כיצא בו ממקום* ו*כתוב אחד ובנין אב*⁵⁴ ושני כחובין וכלל ופרט ופרט וכלל וכיצא בו ממקום 1. Inference *a minori ad majus*. 2. Inference by analogy (*Gezerah Shawah*, explained in detail, below). 3. Constructing a family on the basis of one passage.⁵⁵ 4. The same rule as the preceding, but based on two Biblical passages. 5. The General and the Particular, the Particular and the

Bibelexege d. Tannaim, p. 25 ff.; S. Rosenblatt, *The Interpretation of the Bible in the Mishnah*, p. 10 ff.

⁵² *Sanhedrin* VII end, 4274. Comp. *Aboth deR. Nathan* ch. 37 and *Sifra*, Introduction, ed. Weiss, 3a.

⁵³ In the second half of the first century B. C. E.

⁵⁴ The last two words are missing in Cod. Erfurt but they are extant in ed. princ. and Cod. Vienna.

⁵⁵ I. e. a specific regulation which is found in only one Biblical passage is extended and applied to a number of passages.

General. 6. Exposition by means of another similar passage.
7. Deduction from the Context.⁵⁶

The context suggests that Hillel was not the author of these rules and norms;⁵⁷ he simply used recognized arguments to prove that the Paschal Lamb is offered on the Sabbath, if the fourteenth of Nissan happens to fall on that day.⁵⁸ He employed seven norms of interpretation to prove one particular law from the Torah.

A *Baraita* ascribed to R. Ishmael⁵⁹ enumerated thirteen norms of interpretation⁶⁰ of the Torah. Schürer⁶¹ calls these norms "a kind of rabbinic logic." Many modern scholars have investigated these rules in detail.⁶² A. Schwarz devoted six books⁶³ to the analytics of these norms of interpretations. Neither he nor any of the other scholars has been able to discover definite Greek influence in them.⁶⁴

⁵⁶ See on these norms Strack, *Introduction to the Talmud and Midrash*, Philadelphia 1931, p. 94 and notes *ibid.*, pp. 284–285; Schürer, *Geschichte* etc. II⁴, p. 397 and n. 20 *ibid.*

⁵⁷ See H. Housdorff, *Jahrbuch d. jüd.-lit. Gesellschaft* (Frankf. a. M. 1907), p. 382 ff. and especially Sh. H. Kook in (פארץ הור) XIII, p. 91.

⁵⁸ Hillel asserted (*Tosefta Pesahim* IV, 16228; *TP* *ibid.*, VI, 33a; *TB* *ibid.* 66a) that his opinion was based on the authority of his teachers Shemaiah and Abtalion. It appears that his tradition went only as far as the law itself was concerned. The proofs were his own (Comp. the style in the *Tosefta* *ibid.*); he utilized the *Gezerah Shawah* on his own initiative, because it supported his tradition. R. Abba b. Memel (flourished in the third century) remarked (*TP* *ibid.*): "A man may utilize a *Gezerah Shawah* for the purpose of supporting his tradition."

⁵⁹ Flourished in the beginning of the second century.

⁶⁰ Introduction to the Sifra (Comp. M. Zucker, *Proceedings of the American Academy for Jewish Research* XVIII, 1949, p. י"ב, n. 15). See Strack, *Introduction* *ibid.* pp. 95 and 288, n. 8, where a list of selected literature and translations is given.

⁶¹ *Geschichte* II⁴, p. 397.

⁶² See Strack *ibid.*

⁶³ *Die hermeneutische Analogie*, Wien 1897; *Der herm. Syllogismus in d. talmud. Litteratur*, *ibid.* 1901; *Die hermeneut. Induktion* etc. *ibid.* 1909; *Die hermeneut. Antinomie* *ibid.* 1913; *Die hermeneut. Quantitätsrelation*, *ibid.* 1916; *Der hermeneut. Kontext in d. Talm. Literatur* *ibid.* 1921.

⁶⁴ An article by D. Daube (*HUCA* XXII, 1949, p. 239 ff.) entitled "Rabbinic Methods of Interpretation and Hellenic Rhetoric" reached me when this

However, we find this observation by Judah Hadassi⁶⁵ on the thirteen norms of interpretation: וְהָם מֵצְאוּ עוֹד לַחֲמֵי יוֹן שֵׁשׁ: לָהֶם בְּדִינֵיהֶם וּבְחֻקֹּתֵיהֶם י"ב מִדּוֹת וְקוּרָאִים אוֹחֵם בְּאוֹנֵינוּ אֲרוֹשֵׁאשׁ קְאִיפְכְּרִימְטָא.⁶⁶ וְהֵם שֵׁשׁ וְשֵׁשׁ הָרִי י"ב בְּמִסְפָּרָם וּבְחֻנּוּם וּנְסִינּוּם וּנְמַצּוּ כְּאֵלֶּה לָנוּ "And we also found that the sages of Greece have twelve norms in their rules and laws. They are called *ἐργασίας καὶ ἐπιχειρήματα*.⁶⁷ They are *six and six*, together twelve. We examined them and we found them to be like those" (i. e. like the rabbinic rules). Comp. *Jubelschrift* etc. Dr. L. Zunz, p. 171.

Happily, we are in a position to verify the statement of the Karaite. We have no doubt that he refers to some mediaeval scholia to Hermogenes' *περὶ εὐρέσεως* (III. 7), i. e. to his chapter *περὶ ἐργασίας ἐπιχειρημάτων*. Hermogenes counts⁶⁸ six *ἐπιχειρήματα* (arguments): *τόπος, χρόνος, τρόπος, πρόσωπον, αἰτία, πρᾶγμα*,⁶⁹ "[On] place, time, way (manner) person,⁷⁰ cause, fact."⁷¹ He further teaches (ibid., p. 148): *ἐργάζεται δὲ πᾶν ἐπιχείρημα . . . ἀπὸ παραβολῆς, ἀπὸ παραδείγματος, ἀπὸ μικροτέρου, ἀπὸ μείζονος, ἀπὸ ἴσου, ἀπὸ ἐναντίου*. "Every argu-

chapter was already ready for the press. However, we found no reason to change anything in this chapter, as will be self evident from the comparison of Dr. Daube's article with this paper.

⁶⁵ *אשכול הכפר*, 124b. He wrote his book in Constantinople in 1148.

⁶⁶ Cod. Leiden (according to J. Perles, see below) reads: קְאִיפְכְּרִימְטָא, which appears to be a scribal error for קְאִיפְכְּרִימְטָא. Cod. Adler (in the Jewish Theological Seminary) No. 1650, f. 174b reads קְמִיפְכְּרִימְטָא, which is an obvious error for קְאִיפְכְּרִימְטָא.

⁶⁷ This correct transliteration was made by P. F. Frankel in *MGWJ* XXXIII, 1884, p. 457, but he suggested the change of the word *ארושיאש* to *ארושיש*, *ἐνστάσεις*. J. Perles (*Byzantinische Zeitschrift* II, 1893, p. 576) proposes: *ὀρέξεις καὶ ἀποχρήματα*, or, as an alternative (according to cod. Leiden, see above n. 66), *ἐργασίας καὶ ἐπιχειρημάτων*. Both eminent scholars were entirely unaware of what the author is referring to. They contented themselves with the discussion of the two Greek words only without quoting the passage itself. We shall presently see that our text which is confirmed by two manuscripts must not be altered.

⁶⁸ Ibid. 5, ed. H. Rabe, p. 140.

⁶⁹ Comp. K. Lehms, *de Aristarchi studiis Homericis*, p. 217.

⁷⁰ Comp. the style in *Mishnah Sanhedrin* V. 1 and *Tosefta* ibid. IX. 1, 428¹⁵ ff.

⁷¹ See R. Volkmann, *Rhetorik*, München 1901, p. 36.

ment is executed (or elaborated) . . . from a parable (an illustration), from an example,⁷² from something smaller, from something bigger,⁷³ from something equal, from something opposite." Maximus Planudes⁷⁴ in his scholia to this chapter⁷⁵ mentions explicitly ἐξ ἐπιχειρήματα (six arguments) and ἐξ ἐργασίαι (six executions, exercises).⁷⁶ It is evident that these six ἐργασίαι and six ἐπιχειρήματα were well known in Constantinople in the time of Hadassi, and it is quite obvious that he refers to these rules (שש שש דם).

The ἐπιχειρήματα have certainly nothing to do with the rabbinic rules; we therefore shall consider the ἐργασίαι only. A comparison between the ἐργασίαι and the thirteen hermeneutic rules of R. Ishmael will demonstrate that they have only the קל וחומר⁷⁷ and the analogy⁷⁸ in common.

⁷² An anonymous author in *προλεγόμενα τῆς ῥητορικῆς* (Ch. Walz, *Rhetores Graeci* VI, p. 34) gives the following definition: τὸ μὲν παράδειγμα ἀπὸ προγεγονότων πραγμάτων παραλαμβάνεται· ἡ δὲ παραβολὴ ἐξ ἀορίστων καὶ ἐνδεχομένων γενέσθαι. "The example is taken from facts which [actually] happened before; the parable is taken from the indeterminate and possible things which may happen." See also O. Schissel, *Rheinisches Museum* LXXV, 1926, p. 312, and Stegeman in *PW RE* XV, s. v. Minukianos, p. 1987-8.

⁷³ See the anonymous scholiast to Hermogenes a. l., ed. Walz *ibid.* VII, p. 759.

⁷⁴ Flourished some two hundred years later than Hadassi, but he used earlier Byzantine scholia.

⁷⁵ 365, ed. Walz *ibid.* V, p. 402.

⁷⁶ Comp. also Joseph Rhacenditus, ed. Walz *ibid.* III, p. 479. He apparently flourished in Constantinople around the year 1300, see Walz *ibid.*, p. 465.

⁷⁷ *A minori ad majus*, from the light — less important — to the grave — more important — and vice versa.

⁷⁸ Of R. Ishmael's rules the Karaite cited here only the first two, the קל וחומר and the נזירה שוה (analogy, see below), and added 'נו' (etc.). Then he made his observation on the ἐργασίαι καὶ ἐπιχειρήματα. Perhaps Hadassi was struck by the verbal similarity of the ἐργασίαι with some of the norms contained in the so called thirty-two hermeneutic rules of the *Aggadah*, which he reproduced in his book (58b). They include: the analogy (No. 7); something important which is elucidated by something trivial (No. 14: דבר גדול שנחלה; בכסן סטנו); the parable (No. 26) and (No. 27) the נד (literally, the opposite). These respectively correspond to: ἀπὸ ἰσου, ἀπὸ μικροτέρου, ἀπὸ παραβολῆς and ἀπὸ ἐναντίου. But the similarity is only verbal, as can be seen from the

Hadassi has found his followers in modern scholars who were unaware of their early predecessor. A. Kaminka⁷⁹ asserts: "At least one of the seven rules by which Hillel explained the Torah seems to be identical with a philological method known at the Alexandrian school . . . in the Halakah it is known as *חידה*; in Greek *δὲς λεγόμενα*. I believe this system was *not* originally used by Hillel in connection with the juridical or ritual questions but when commenting on Biblical passages in general." It was pointed out⁸⁰ that the early Rabbis resorted to this simple system of comparison of parallel words and passages in their *Targumim* without making any mention of the term *חידה*. Moreover, etymologically this name has nothing to do with *δὲς λεγόμενα* (see below). The inference itself is so primitive that it could not escape any intelligent expounder of a text.

It goes without saying that any thinking person who was acquainted with Greek logic and who heard something of the nature of rabbinical exegesis of the Bible would be inclined to associate it in some way with the former. Indeed, Eusebius⁸¹ remarks: *Ναὶ μὴν καὶ τῶν πρώτων μαθημάτων δευτεροταί τινες ἦσαν αὐτοῖς* (οὕτω δὲ φίλον τοὺς ἐξηγητὰς τῶν παρ' αὐτοῖς γραφῶν ὀνομάζειν) *οἳ τὰ δι' αἰνιγμῶν ἐπεσκιασμένα . . . δι' ἐρμηνείας καὶ σαφηνείας ἐξέφαινον*. "Verily they (i. e. the Jews) have certain *deuterotai*⁸² of primary studies (for so it pleases them to name the expounders of their Scriptures) who by interpretation and explanation . . . made clear what was obscurely rendered in riddles." Obviously, he is referring to the elementary-school *Tanna* who taught the children *Mishnah* and *Midrash*. He adduces them as examples of those who employ the method of logic in Hebrew philosophy,⁸³ a logic which pursues the

instances given in the Hebrew source, and quoted by Hadassi himself, to illustrate the rules.

⁷⁹ *Encyclopaedia Judaica* IV, p. 23 and *JQR*, N. S. XXX, 1939, p. 121. Comp. also Daube in *HUCA* XXII, p. 241, n. 7.

⁸⁰ See above, nn. 18 and 19.

⁸¹ *Praep. Ev.*, 513c.

⁸² This is the literal translation of the Hebrew *חידה*, or the Aramaic *חידה* — a teacher of *Mishnah*, see Bacher *Terminologie* I, p. 135, s. v. *חידה* I and n. 4 *ibid*.

⁸³ *Ibid.* 513a: *τὸν λογικὸν δὲ τρόπον τῆς Ἑβραίων φιλοσοφίας*.

truth, unlike the clever sophistries of the Greeks. Eusebius, of course, is noncommittal. His words only suggest that the Jews had their system of logic, a declaration which aroused the anger of Julian the Emperor.⁸⁴

So far so good. We can safely assert that the Jews possessed their rules of logic for the interpretation of the Bible in the second half of the first century B. C. E.⁸⁵ The question is when were these rules organized in a system with a nomenclature, specific numbers and definite categories. It will be demonstrated below that interpretation in general is older than the revelation of the Law at Mount Sinai. A very great number of hermeneutic rules existed in antiquity many of which could not be applied to the interpretation of the Torah. The hermeneutics of dreams and oracles could not as a rule be applied to the legal sections of the Bible. Generally Scripture does not express itself ambiguously but states the laws in clear language.⁸⁶

A Rabbi who maintained that a certain law could be deduced from Scripture had to demonstrate that the words of the Bible really imply the ruling in question, although it does not state it explicitly. Apparent contradictions in the Bible had to be reconciled by more or less plausible, and not fanciful, means. New laws could be derived from Scripture by comparison, especially by comparison with something more important, with something less important and with something equal (see below). In this case the suggestion of Hadassi to compare the rabbinic hermeneutics to the *ἐργασίαι* of the rhetors deserves a closer analysis.

Let us first examine the terminology of the hermeneutic rules of the Rabbis. The strangest term among them is נזירה שוה. No convincing explanation of the etymology and the exact meaning of the name has been suggested until now.⁸⁷ The word

⁸⁴ *Contra Gal.* 222a.

⁸⁵ See above, n. 58.

⁸⁶ *Sifra* מצורע VII. V. 7, ed. Weiss 79a: לנעול אלא לפתוח. Comp. Bacher, *Terminologie* I, s. v. סתום. There were, of course, not a few exceptions, see *Shemoth Rabba* XV.22 beginning.

⁸⁷ Blau (*REJ* XXXVI, 1898, p. 153) explains the expression נזירה שוה to mean "the same decision," "the same law." This is not exact. שוה does

מידה in both Biblical and rabbinic Hebrew means: *decisio*, decision, decree.⁸⁸ It corresponds to the Greek *σύγκρισις*, *decretum*, with which the Septuagint rendered the Hebrew משפט.⁸⁹ *σύγκρισις* signifying *decretum*, decision, is already current in the Egyptian papyri of the third century B. C. E.⁹⁰

Thus it is evident that מידה is *σύγκρισις* both etymologically and logically. This word is also used in the sense of comparison by Aristotle and the Septuagint.⁹¹ By the second century C. E., at the latest, it served as a technical term in the works of the Greek rhetors.⁹² Aphthonius⁹³ defines this term:⁹⁴ *Σύγκρισις ἐστὶ λόγος ἀντεξεταστικός ἐκ παραθέσεως συνάγων τῷ παραβαλλομένῳ τὸ μείζον ἢ τὸ ἴσον*. "*Syncrisis* is a comparative term which by juxtaposition matches the greater or the equal with the thing compared." Ioannes Sardinus⁹⁵ summarizes it: *τριχῶς τὰς συγκρίσεις ποιούμεθα, ἢ τὸ ἴσον πρὸς ἴσον ἢ πρὸς τὸ μείζον ἢ πρὸς τὸ ἐλάττω*. "We use *syncrisis* [comparison] in a three-fold manner: the equal with the equal, [the smaller] with the greater and [the greater] with the smaller." The term *κατὰ τὸ ἴσον σύγκρισις*, "*syncrisis* with the equal," is also employed by Hermogenes⁹⁶ who flourished in the second century C. E.

Hence we unhesitatingly translate the term מידה שוה *σύγκρισις πρὸς ἴσον*, a comparison with the equal. The beginning of the *Baraita* of R. Ishmael reads: בשלש עשרה מדות התורה

not mean "the same" but "equal". The result of *Gezerah Shawah* is that the same law is applied to two situations. In rabbinic language we would expect in this case מידה אחת, and not מידה שוה.

⁸⁸ נור means to cut, *decidere*, *κρίνειν*.

⁸⁹ See Schleusner, *Lexicon in LXX*, s. v. συγκρίνω and σύγκρισις.

⁹⁰ See Liddell and Scott, s. v. *σύγκρισις* III. 2. Comp. also M. Schwabe in ספר יוחנן לוי, p. 229.

⁹¹ See Schleusner *ibid*.

⁹² See Ioannes Sardinus, in *Aphthonii progym.* X, ed. Rabe, p. 180. Comp. also F. Focke, *Hermes* LVIII, 1923, p. 331. However, its occurrence in Aristotle's works establishes it as a logical term in use in the fourth century B. C. E.

⁹³ Flourished in the fourth century.

⁹⁴ *Progymasmata* X, in *Rhetores Graeci*, ed. Walz, I, p. 97.

⁹⁵ Ed. Rabe *ibid.*, p. 184.

⁹⁶ *Progymn.* 8, ed. Rabe, p. 19.

⁹⁷ It is a contracted form. Comp. בניין [בית] אב instead of בנין אב.

Thus, originally שוה נזירה was a simple analogy, a comparison of equals. In this sense it is employed by the School of Shammai: ¹⁰⁰ "שוה נזירה שוה חלה ומתנות מתנה לכהן ותרומה מתנה לכהן וכו'" ¹⁰¹ "It is an analogy (i. e. comparison of equals): Dough-offering and [Priests'] Dues are a gift to the priest, and the Heaven-offering is a gift to the priest etc." ¹⁰²

The Rabbis also employ another term for analogy, viz. *היקש*.¹⁰⁵ This word is the literal equivalent of the Greek *παράθεσις*,

⁹⁹ See above p. 55. Comp. Cicero, *Top.* IV. 23, and Daube in *HUCA* XXII, pp. 251–253. The superior cogency of נזירה שוה קל over חוסר is indicated in *Tosefta Sanhedrin* VII. 7, 4262s. Both terms are frequently mentioned together (*Sifre* II, 313, ed. Finkelstein, p. 35511; *ibid.* 317, p. 35916; *TB Sukkah* 28a; *Temurah* 16a). Logically they may be characterized as one: *σύγκριστος*, comparison.

101 *Mishnah Bezah* I. 6.

¹⁰¹ Ed. Horovitz, p. 25710. So far as is known to me this text was not noticed by the students who treated the problem of נזירה שוה.

¹⁰⁵ See Bacher *ibid.* s. v. שקה, p. 44 ff.; A. Schwarz, *Die hermeneutische Induktion*, p. 146 ff.

adpositio, *vicinitas* and comparison, juxtaposition, which is used in all these senses by Polybius.¹⁰⁶

The school of R. Ishmael frequently employs the phrase: ¹⁰⁷ מופנה להקיש ולדרן ממנו מורה שזה "The word [in the Torah] is vacant¹⁰⁸ [for the purpose] of juxtaposing (= *παρατιθέναι*) it and deducing a *gezerah shawah* (= *σύγκρισις*) from it." Polybius¹⁰⁹ expresses himself in similar style: ¹¹⁰ ἐκ παραθέσεως συνθεωρουμένων καὶ συγκρινόμενων, "Contemplated and compared by juxtaposition."¹¹¹ Again he employs the two terms together: ¹¹² ἐκ τῆς παραθέσεως καὶ συγκρίσεως which means literally מהקיש ומורה שזה.

However in the official hermeneutic rules the term מורה שזה was applied not to analogy of content but to identity of words (i. e. verbal congruities in the text), a manner of comparison which sometimes appears to be without logical basis. Rabbinic tradition therefore ruled¹¹³ that אין אדם דן מורה שזה מעצמו "No one may on his own authority draw an analogy from verbal congruities in the text," i. e. this method can be applied only where authorized by tradition. The Palestinian Talmud¹¹⁴ demonstrated the absurd conclusions which might be reached if the method of מורה שזה were utilized by anyone on his own initiative and not by tradition.

We have no ground to assume that the method itself of both logical and verbal analogy was borrowed by the Jews from the Greeks. However, the method and the definition of the method — the terminology — are two different things. Unfortunately we have no means to decide who among the Rabbis used this term first. The *Tosefta*¹¹⁵ maintains that Hillel applied

¹⁰⁶ See J. Schweighaeuser, *Lexicon Polybianum* s. v. *παράθεσις*, p. 315 ff. and see below.

¹⁰⁷ See Bacher *ibid.*, s. v. מורה שזה, p. 15.

¹⁰⁸ Literally: emptied out, [λόγος] *κεκενωμένος*, comp. *κενελογέω*.

¹⁰⁹ Flourished in the second century B. C. E.

¹¹⁰ III. 32. 5.

¹¹¹ Comp. Schweighaeuser *ibid.*, p. 316.

¹¹² XVI. 29. 5.

¹¹³ *TP Pesahim* VI. 1, 33a and parallels.

¹¹⁴ *Ibid.*

¹¹⁵ *Sanhedrin* VII, end, see above, n. 52.

הנירה שהה in his discussion with the Bene Bathyra,¹¹⁶ but it is very possible that this refers to the method alone and not to the term,¹¹⁷ and it is the editor of the *Tosefta* who designated Hillel's arguments by the later terminology. The term הנירה שהה may thus be no older than the end of the first century C. E., or the beginning of the second,¹¹⁸ the century when *προσκατάσκευασις* was already a favorite tool in the *προσκατάσκευασις* (preparatory exercises) of the Greek rhetors in the Asiatic centers.

It has been pointed out that some of the hermeneutic rules found in the *Halakha* recur almost literally in the Roman legal classics (Sabinus, Celsus¹¹⁹ and Gaius¹²⁰). Hillel the Elder and the Rabbis of the following generations used to interpret not only the Torah but also secular legal documents.¹²¹ Most likely general standards for the interpretation of legal texts were in vogue which dated back to high antiquity. But it was the Greeks who systematized, defined and gave definite form to the shapeless mass of interpretations.

The Rabbis were often confronted with the same problems as the Greek rhetors. The former sought to derive new laws from the Torah or to find support for old ones which were rooted in oral tradition. They were aware that in certain cases their interpretation is not borne out by the actual meaning of Scripture, and they accordingly termed such support זכר לדבר

¹¹⁶ In the second half of the first century B. C. E.

¹¹⁷ In *TP Pesahim* VI. 1, 33a, the term הנירה שהה is ascribed to the Bene Bathyra. But it is most likely the paraphrase of the editor, see *TB* *ibid.* 66a and *Tosefta* *ibid.* IV, p. 162. Our assumption is strengthened by the fact that *TP* *ibid.* ascribes to the Bene Bathyra the employment of the name היקש, a term which occurs neither in the rules of Hillel nor in those of R. Ishmael (i. e. in the *Baraita* attached to the *Sifra*). Only קל וחומר appears to have been mentioned by name in this discussion (see *Tosefta* *ibid.*), but this norm (and perhaps also its name) is the oldest, and is intimated in the Bible itself, see Strack, *Introduction in the Talmud* etc., p. 285, n. 3.

¹¹⁸ See above, n. 100.

¹¹⁹ See David Daube, *Law Quarterly Review* LII, 1936, p. 265 ff.; *idem*, *Journal of Roman Studies* 1948, p. 115 ff.; *idem*, *HUCA* XXII, p. 252 ff.

¹²⁰ See M. Joël, *Blicke in die Religionsgeschichte* etc. I, p. 39, n. 1.

¹²¹ See *Tosefta Kethuboth* IV, 9 ff., 26430 ff. and parallels.

(allusion)¹²² and אסמכתא (support).¹²³ They went so far as to lay down the rule: "כל מילא דלא מחזורא מסמכין לה מן אחרין סנין" ¹²⁴ "For all laws which have no evident origin in Scripture support is adduced from *many* places [in the Bible]."¹²⁵

But rabbinic literature abounds in such artificial and forced interpretations. They were merely a literary conceit. Rab¹²⁶ maintained¹²⁷ that no one is to be appointed a member of the high court (*Sanhedrin*) unless he is able to prove from Biblical texts the ritual cleanliness of a reptile (although reptiles are definitely declared unclean in Lev. 11:29). The reason for this requirement can be inferred from the statement of a younger contemporary of our Rabbi. R. Johanan asserted¹²⁸ that a man who is not qualified to offer hundred arguments for declaring a reptile ritually clean or unclean will not know how to open [the trial of capital cases] with reasons for acquittal.¹²⁹ The judge must thus be a rhetor who can *disputare in utramque partem* and prove at one and the same time the two opposite points of view.¹³⁰ But the example given by the Rabbis is selected from the interpretation of the ritual part of the Torah. The methods of the rhetor¹³¹ and the grammarian must sometimes be identical.

In their schools the Greek rhetors taught the art of twisting the law according to the required aim and purpose. The jurist had to be equipped with all the methods of the *γραμματικός*. In Rome the early grammarians were the teachers of rhetoric,¹³²

¹²² See Bacher, *Terminologie* I, s. v. וכר, p. 51 ff. and s. v. סטך, p. 133 ff.

¹²³ See *ibid.* II, s. v. אסמכתא, p. 13 and סטך, p. 143.

¹²⁴ *TP Berakhoth* II. 3, 4c and parallel.

¹²⁵ Comp. also Bacher *ibid.* II, s. v. מחזור, p. 109.

¹²⁶ Flourished in the beginning of the third century.

¹²⁷ *TB Sanhedrin* 17a.

¹²⁸ *TP ibid.* IV. 1, 22a.

¹²⁹ Which is a *conditio sine qua non* in capital judicial procedure, see *Mishnah Sanhedrin* IV.1. Comp. also *TB ibid.* 17a (סנהדרין שפחו כולם), according to the reading of Maimonides, *Hilkhoth Sanhedrin* IX.1; Me'iri a. l., p. 57. See the detailed evaluation of this reading in סלחם סעוד by the RASHBASH, ed. pr., 33a.

¹³⁰ See *TP ibid.* and *TB 'Erubin* 13b.

¹³¹ Comp. E. P. Parks, *The Roman Rhetorical Schools as a Preparation for the Courts under the Early Empire*, Baltimore 1945, p. 61 ff.; F. Schulz, *Principles of Roman Law*, p. 130, n. 3.

¹³² Sueton., *de grammat.* IV: veteres grammatici et rhetoricam docebant.

and the dialectical jurisprudence of the Romans is known to be a Greek product.¹³³ The Jews with their love and devotion to *παιδεία* would be much more susceptible than the Romans¹³⁴ to the sound contribution of the Greeks to learning. They would certainly not hesitate to borrow from them methods and systems which they could convert into a mechanism for the clarification and definition of their own teachings. The instruction and the works of the rhetors were most suitable for application in the hermeneutics of the סמך (support) type. For this purpose the *τέχνη γραμματική* and the *τέχνη ρητορική* were combined and fused into one device.¹³⁵

The two basic works of Greek theology, the books of Homer and of Hesiod abound in atrocities, immoralities and abominable vices which they report of the Olympian gods. As is well known the Greek philosophers eventually began to interpret the works of Homer allegorically. In the fifth century B. C. E. Stesimbrotus founded a school in Athens where he sought to find the *ὑπόνοια* (underlying, covert meaning) all through the works of Homer.¹³⁶ According to Greek tradition, Anaxagoras¹³⁷ was the first to teach that in his poems Homer treats of virtue and justice (*περὶ ἀρετῆς καὶ δικαιοσύνης*), a thesis which is developed at greater length by his friend Metrodorus of Lampsacus.¹³⁸ The Stoic philosophers exploited this method of allegoric interpretation of Homer even more.¹³⁹ The Alexandrian grammarians forced Homer to conform to the behavior and manners of the Ptolemaic court in Egypt,¹⁴⁰ or to the Greek customs and habits of their own time and place.¹⁴¹

K. Lehrs¹⁴² has convincingly shown the two tendencies of

¹³³ See F. Schulz, *History of Legal Roman Science*, p. 62 ff.

¹³⁴ See Schulz *ibid.*, p. 56 ff.

¹³⁵ Comp. above nn. 69 and 70. See Octave Navarre, *Essai sur la rhetor. grecque*, p. 40 ff.

¹³⁶ Comp. Laqueur in *PW RE III*², p. 2463 ff.

¹³⁷ Flourished in the fifth century B. C. E.

¹³⁸ Diog. Laert. II. 11.

¹³⁹ See C. Reinhardt, *De graecorum theologia capita duo*, 1910, p. 3 ff.

¹⁴⁰ See C. G. Cobet, *Miscellanea critica*, p. 228.

¹⁴¹ See Athen. *Deipnos*. IV, 177b-f; *ibid.* 180c.

¹⁴² *De Aristarchi Studiis homericis*³, p. 200, n. 122.

the grammarians with regard to Homer. One group, the so called *ἐνστατικοί*, indulged in charges (*κατηγορίαι*) against his writings, the others, named *λυτικοί* refuted the arguments of the accusers and came to his defence (*ἀπολογία*). The very terms of these grammarians prove their rhetorical methods.¹⁴³ We shall now consider one example of an *ἀπολογία* by one of the earliest Alexandrian grammarians, which is quite instructive.

We read in the Iliad (XI. 636 ff.):

ἄλλος μὲν μογέων ἀποκινήσασκε τραπέξης
πλείον ἔόν, Νέστωρ δ' ὁ γέρων ἀμογητὶ ἄειρεν

Another man would hardly move the cup from the table
When it was full, but Nestor, that old man, raised it easily.

Sosibius¹⁴⁴ the *λυτικός*¹⁴⁵ remarked:¹⁴⁶ Today the charge is brought against the Poet¹⁴⁷ that whereas he said all others raised the cup with difficulty, Nestor alone did it without difficulty. This statement of Homer seemed unreasonable (*ἄλογος*) to some of the grammarians. It appeared senseless to them that in the presence of Achilles, Diomedes and Ajax, Nestor should be represented as more vigorous than they, though he was more advanced in years. To this Sosibius replied: "Of these accusations then, we can absolve the Poet by resorting to the *anastrophe*."¹⁴⁸ He suggested that the word *γέρων* be transposed from line 637 to line 636 so that it will read:¹⁴⁹

ἄλλος μὲν γέρων μογέων ἀποκινήσασκε τραπέξης
πλείον ἔόν, ὁ δὲ Νέστωρ ἀμογητὶ ἄειρεν

Another old man would hardly move the cup from the table
When it was full, but Nestor raised it easily.

¹⁴³ Lehrs *ibid*.

¹⁴⁴ Flourished under Ptolemy Philadelphus, i. e. in the first half of the third century B. C. E.

¹⁴⁵ See Lehrs *ibid*.

¹⁴⁶ Athen. *deipn*. XI, 493d.

¹⁴⁷ Νῦν τὸ μὲν ἐπιτιμώμενόν ἐστι τῷ ποιητῇ.

¹⁴⁸ τοῦτων τοίνυν οὕτως κατηγορουμένων τῇ ἀναστροφῇ χρῆσάμενοι ἀπολύομεν τὸν ποιετήν.

¹⁴⁹ I. e. mentally, but not literally, without destroying the meter.

The Poet is singling out Nestor from among the old men only. The difficulty is removed, and the Poet is acquitted of the charge of *ἀλογία*.

An exact parallel to this difficulty and solution is extant in rabbinic literature. It is stated in *Sifre*:¹⁵⁰ " 'And they came before Moses and before Aaron'¹⁵¹ on that day' (Num. 9:6) R. Josiah said: If Moses did not know is it possible that Aaron would?¹⁵² But the verse is to be *inverted* (סרסוה)¹⁵³ and expounded," i. e. the men first came to Aaron who did not know and then they came to Moses. See above note 149.

The Rabbis encountered the same difficulty in Num. 9:6, that the Alexandrian grammarians traced in Il. XI. 636 ff. It seemed unreasonable (*ἄλογος*) to them that the people whose question Moses failed to answer would consult Aaron on the same subject. They solved the problem by means of *ἀναστροφή*, rearrangement of the verse, just as Sosibius did.

However, from the anecdote related by Athenaeus¹⁵⁴ we learn that the solution proposed by Sosibius seemed strange and ridiculous to his contemporaries,¹⁵⁵ which indicates that in the third century B. C. E. this method was not yet fully accepted.

¹⁵⁰ I 68, ed. Horovitz, p. 63.

¹⁵¹ I. e., they brought the problem before Moses and before Aaron.

¹⁵² Comp. *Sifre* *ibid.* 133, p. 177, and the formulation in *TB Baba Bathra* 119b.

¹⁵³ The verb סרס means to turn upside down (Comp. *Mishnah Niddah* III. 5 and Rashi *TB* *ibid.* 28a, s. v. ססורס) which is the literal equivalent of *ἀναστρέφειν*. In our case it has *no* relation to *τέμνειν*, to castrate, to distinguish (See Daube, *HUCA* XXII, p. 261). The latter may have some connection with the interpretation of סרס (II Kings 25:19) by *Shir Rabba* (III. 7. Comp. *TP Sanhedrin* I. 2, 18c top). The *Midrash* states: סרס זה מופלא שבבית דין. ולמה קורא אותו סרס שמסרס את ההלכה 'Sarīs' (II Kings 25:19) refers to the *Mufla* (the head) of the court. Why is he called *Sarīs*, because he defines (literally: cuts) the *Halakha*." Comp. *Vay. Rabba* IV. 1: ישובו בשער. החרוך ששם חותכין את ההלכה. Some years after the first publication of my book Daube independently discovered his mistakes. Comp. his article in *Festschrift Hans Lewald* (Basel, 1953), p. 28. See also *ibid.*, p. 29. Comp. also, p. 30 *ibid.* and our discussion below, pp. 79–80.

¹⁵⁴ *Ibid.* 494d.

¹⁵⁵ See K. Lehrs, *De Aristarchi studiis homericis*, p. 218.

In the time of R. Josiah¹⁵⁶ this means of interpretation was very common in the rabbinic schools.¹⁵⁷

The rhetor Theon¹⁵⁸ writes: ¹⁵⁹τὴν δὲ ἀναστροφὴν τῆς τάξεως πολλαχῶς ποιησόμεθα. "We shall frequently make use of the inversion of the order." But he is really referring to the rhetoric scheme of ὑστερον πρότερον,¹⁶⁰ as is obvious from the examples he cites. This kind of ἀναστροφή is also utilized by the Rabbis,¹⁶¹ but the more common rabbinic *anastrophe* is that employed by Sosibius the λυτικός.

The solutions (λύσεις) of the grammarians were not always complicated and artificial. They sometimes assumed much simpler forms. For instance, we read in the Iliad VIII. 555 ff. ὥς δ' ὅτ' ἐν οὐρανῷ ἄστρα φαεινὴν ἀμφὶ σελήνην φαίνειτ' ἀριπρεπέα ("Even as in heaven around the gleaming moon the stars shine very bright"). "It was asked (ἐξήτησαν): How now could the moon be gleaming when the stars [around it] were shining bright. To which Aristarchus solving this says:¹⁶² It does not mean that the moon was gleaming at that time, but that by its nature it is gleaming."¹⁶³

This kind of interpretation is common in rabbinic literature. The sages rule¹⁶⁴ that a man who takes a vow to derive no benefit from creatures that are born is forbidden to benefit from the creatures that are yet to be born. Creatures that are born means creatures whose nature it is to be born,¹⁶⁵ and not only those that have already been born.¹⁶⁶

Literary problems were solved in a similar way in the schools

¹⁵⁶ Flourished in the second century.

¹⁵⁷ See Bacher, *Terminologie* I, p. 136, s. v. סרס; *ibid.* II, p. 144.

¹⁵⁸ Flourished in the second century.

¹⁵⁹ *προγυμνάσματα* 193, ed. Spengel, p. 877.

¹⁶⁰ See Cicero, *Ad. Al.* I. 16, beginning.

¹⁶¹ See *BR LXX.* 4, 8006 and Bacher *ibid.*

¹⁶² δ' Ἀρίσταρχος τοῦτο λῶν φησί.

¹⁶³ Ἀλλὰ τὴν φύσει λαμπρὰν (Apollonius Sophista, *Lexicon homericum*, ed. Bekker, Berlin 1833, p. 161).

¹⁶⁴ *Mishnah Nedarim* III. 9.

¹⁶⁵ שדרכן להיוולד. This is the reading of the majority of mss. See also מלאכה שלמה a. l.

¹⁶⁶ Comp. also *ibid.* 7; *TB Sotah* 25b *passim*.

of Alexandria and those of Palestine. The methods of the rhetors and their discussions had at least a stimulating effect on serious treatment of legal texts.¹⁶⁷ The following part of this chapter may shed more light on some aspects of text interpretation and its origin.

The Hermeneutic Rules of the *Aggadah*

Some of the hermeneutic rules used by the Rabbis to interpret the narrative parts of the Bible at first appear to us very artificial and far-fetched. These norms form part of the so called "thirty-two"¹⁶⁸ hermeneutic rules of the *Aggadah*.¹⁶⁹ Let us consider a group of successive rules:

Rule 27. *Mashal*, i. e. parable or allegory or symbol. The *mashal* is already used in the Bible; as an allegory it is common in the *Midrash*.¹⁷⁰ Very often the interpretation by way of *mashal* is undoubtedly the only true explanation of the text. But some allegories are obviously far from the real meaning of the text.¹⁷¹

Rule 28. *Paronomasia*, *amphiboly*, i. e. playing with homonymous roots.¹⁷²

¹⁶⁷ See F. Schulz, *Principles of Roman Law*, p. 130, n. 3 end.

¹⁶⁸ Some mediaeval authors quote "thirty-six rules" (See D. Cohen in *Tarbiz* II, 1931, p. 249). Joseph Rhacenditus (σύντομος ῥητορικῆς, ed. Walz, *Rhetores Graeci* III, p. 479. See above, n. 76) repeats that the six ἐργασίαι can be applied to each ἐπιχείρημα forming together thirty-six rules.

¹⁶⁹ The text is now available as an introduction to the *Midrash* מסנת ר' discovered and published by H. G. Enelow, New York 1933, p. 10 ff. An English translation of these rules can be found in Strack's *Introduction to the Talmud and Midrash*, p. 96. For the time of its compilation see *ibid.*, p. 95; for the sources, translations and literature, see *ibid.*, p. 289, nn. 2-3.

¹⁷⁰ See the abundant material collected by Einhorn in his מדרש תנאים II, Wilno 1838, 30d ff. See also I. Heinemann, *Altjüdische Allegoristik*, p. 15 ff.

¹⁷¹ See Heinemann *ibid.*, p. 33 ff.

¹⁷² See Einhorn *ibid.* 33c; Bacher, *Terminologie* I, p. 111, s. v. מטעל; Lieberman *GJP*, p. 22 ff. Comp. *BR XXXI*. 8, 281s and Field, *Hexapla* (to Jer. 1:11), p. 573, n. 13. Comp. I. Heinemann, *The Methods of the Aggadah*, p. 257, n. 14.

Rule 29. *Gematria*,¹⁷³ ἡ ἀριθμητικὴ, i. e. computation of the numeric value of letters. Only a single instance is adduced in this *Midrash* to illustrate the *gematria*. The number 318 (servants of Abraham) in Gen. 14:14 has the numerical value of אליעזר, i. e. Abraham had only his servant Eliezer with him.¹⁷⁴ But rabbinic literature is replete with examples of *gematria*.¹⁷⁵

Rule 30. Substitution of letters, the so called *Athbash* alphabet, i. e. א (the first letter) is written instead of ת (the last letter), ב (the second letter) instead of ש (the one before the last) etc. and vice versa. The *Midrash*¹⁷⁶ cites only one instance. לב קמי in Jer. 51:1 is nothing other than כשרים, according to the *Athbash* alphabet.¹⁷⁷ But this method is quite common in the *Midrash* and Talmud.¹⁷⁸

Rule 31. *Notarikon*,¹⁷⁹ i. e. the interpretation of every single letter (in a particular word) as the abbreviation of a series of words.¹⁸⁰ נמרצח (I Kings 2:8) is explained as signifying 'נ' מ' ר' צ' ח', i. e. חועבה, צורר, רוצח, ממור, נואף. The acrostic also belongs to this type, see below p. 79 ff.

Another kind of *notaricon* is the breaking of one word in two parts. Our *Midrash* cites as an illustration the word כרמל (Lev. 2:14) which is to be interpreted כר, רמל, i. e. the word is

¹⁷³ I. e. *γωμετρία* is used in the sense of manipulation with numbers. Comp. M. Cantor, *Vorlesungen über Geschichte der Mathematik* I, p. 163.

¹⁷⁴ See BR XLII. 2, 4168 and parallels referred to in the notes *ibid.* Comp. F. Dornseiff, *Das Alphabet in Mystik und Magie*, Berlin 1922, p. 107 and n. 5 *ibid.*

¹⁷⁵ See Einhorn *ibid.* 34b; Bacher *ibid.* I, p. 127; II, p. 27 s. v. ימסריא and p. 69 s. v. חושבנא; Dornseiff *ibid.*, p. 110 ff. Comp. below n. 211.

¹⁷⁶ Ed. Enelow, p. 38.

¹⁷⁷ Comp. the Septuagint (XXVIII. 1) and the Aramaic *Targum* a. l.; Field, *Hexapla* p. 728, n. 1; *Jahrbücher* of N. Brüll, I, 1874, p. 61, n. 2 and Rahmer in *Jubelschrift* . . . Graetz, p. 324. See also below, n. 213.

¹⁷⁸ See Bacher, *Terminologie* I, p. 127, n. 5; *ibid.* II, p. 27.

¹⁷⁹ Shorthand, i. e. written according to the use of the *notarii*. See Krauss, *Byzantinische Zeitschrift* II, 1893, p. 512 ff. Comp. W. Schubart, *Das Buch bei d. Griechen* etc., pp. 78–80 and 180.

¹⁸⁰ This kind of *notaricon* is very common in the *Aggadah*, see Bacher *Terminologie* I, p. 126; *ibid.* II, p. 124 and especially the rabbinic material adduced by Einhorn (see above n. 170) 34c ff.

¹⁸¹ This is taken from *Sifra* a. l., ed. Weiss 12d, ed. Friedmann, p. 123.

broken in two parts, and the letters of the first part are transposed. The *notaricon* includes an *anagram* as well. The *Aggadah*¹⁸² frequently resorts to the application of the anagram.¹⁸³

Similarly אברך (Gen. 41:43) is interpreted by R. Judah¹⁸⁴ as אב רך. The name of the Patriarch ראובן is dissolved¹⁸⁵ into ראו בן.¹⁸⁶

The artificiality of the last four hermeneutic rules is evident. An anonymous *Midrash* appended at the end of the thirty-two hermeneutic norms¹⁸⁷ remarks: הרי הוא אומר כי בא החלום ברוב עניין. והלא דברים קל וחומר ומה אם דברי חלומות שאינן לא מעלין ולא מורידין חלום אחד יוצא לכמה ענינים, דברי תורה החמורים על אחת כמה "Behold it says: 'A dream carries much implication' (Eccl. 5:2). Now by using the method of *kal vahomer* (*a minori ad maius*) we reason: If the contents of dreams which have no effect may yield a multitude of interpretations, how much more then should the important contents of the Torah imply many interpretations in every verse."

The author of the anonymous *Midrash* possibly felt that some similarity exists between the methods of the interpretation of dreams and some of the hermeneutic rules of the *Aggadah*. Indeed, we shall demonstrate the striking fact that the hermeneutic rules mentioned above are also applied to the solution of dreams. In this realm they are quite understandable. It lies in the very nature of some dreams and most of the oracles to make their revelations in a concealed and disguised way. Dreams and oracles lend themselves to many and various kinds of interpretation. They are, of course, always right. The expounder will show by the remotest ways possible that they did

¹⁸² And in this category we count the אסמכתא (see above p. 63) parts of the *Halakha* as well.

¹⁸³ See *TP Nazir* VII. 2, 56b; *TB Mo'ed Katan* 9b; *Tanhuma*, beginning etc. etc.

¹⁸⁴ *Sifre* II. 1 (end), ed. Finkelstein, p. 8. See *ibid.* the strong objection raised by R. Jose of Damascus to this interpretation.

¹⁸⁵ *Pirkei R. Eliezer* ch. 36, ed. Rabbi David Luria, 84a, and comp. n. 36 *ibid.*

¹⁸⁶ Comp. *TB Berakhoth* 7b.

¹⁸⁷ *Midrash Haggadol Bereshith*, ed. Schechter, p. XXV, ed. Margulies, p. 39.

not lie. Necessity often compelled the priests and interpreters to invent the most clever devices for explaining the meanings of oracles and dreams. The cleverer the trick, the deeper the impression on the inquirer of the dreams and oracles. We shall now consider in order the application of the five above-mentioned rules to the elucidation of dreams and oracles.

1. Symbols¹⁸⁸ and allegories¹⁸⁹ are the most common means for the explanation of dreams.¹⁹⁰ We need not bring examples for it, the phenomenon being universally known.

2. Paronomasia, the playing with homonyms, is an important element in the interpretation of dreams. Artemidorus gives a number of instances¹⁹¹ to this effect. Rabbinic literature¹⁹² has preserved a lengthy catalogue of dream interpretations. H. Lewy¹⁹³ demonstrated the close parallel between Artemidorus' *Onirocriticon* and the dream interpretations of the Rabbis.¹⁹⁴ Paronomasia plays an important part in it.¹⁹⁵ In many places the style of the Talmudic passages (ibid.) makes the impression of being excerpts from a manual on dreams which contained general principles. The Rabbis frequently employ such general formulas¹⁹⁶ as כל . . . חוץ, "All . . . except." For instance they say: כל מיני ירקות יפין לחלום חוץ וכו' "All kinds of vegetables are of good omen in a dream except etc."¹⁹⁷ Dream books from all over the world and of all times have utilized similar methods.

¹⁸⁸ See Bouché-Leclercq, *Histoire de la divination* I, pp. 116 ff. and 312.

¹⁸⁹ See Artemidorus, *Onirocriticon* I. 2; Bouché-Leclercq *ibid.*, p. 302.

¹⁹⁰ See Rabbinowicz דקדוקי סופרים to *Berakhoth*, p. 315.

¹⁹¹ *Ibid.* I. 68; II. 12, s. v. *αἰγες*; III. 28 *passim*. See Bouché-Leclercq *ibid.*, p. 313 ff.

¹⁹² *TP Ma'aser Sheni* IV. 9, 55b, *Ekha Rabba* I, ed. Buber 26a ff. and particularly *TB Berakhoth* 55a-57b.

¹⁹³ *Rheinisches Museum f. Philologie* N. F. 48 (1893), pp. 398-419.

¹⁹⁴ Comp. also I. Wiesner, *Scholien zum Babylonischen Talmud*, I, p. 124 ff.

¹⁹⁵ See A. Kristianpoller, "Traum un. Traumdeutung im Talmud" (in *Monumenta Talmudica* IV), p. 46 ff., Nos. 139-153; H. Lewy *ibid.*

¹⁹⁶ *TB Berakhoth* 57b (many times).

¹⁹⁷ Comp. Artemidorus *ibid.* I. 68: τῶν δσπρίων πάντα μοχθερὰ πλὴν πίσον. "All pulses are of a bad omen except peas."

3. The *gematria*, *ισόψηφα*, the numerical value of letters, is one of the most important components of the *oniocritica*.¹⁹⁸

To see the weasel in a dream is a bad portent, because the letters of *γαλῆ* (weasel) are of the same numerical value as *δίκη* (lawsuit or penalty).¹⁹⁹ Meeting a weasel on the way was believed in antiquity to be a bad portent,²⁰⁰ and the Rabbis condemned this belief.²⁰¹ Nevertheless they saw in the weasel some sinister symbol. They said:²⁰² למה הוא מושל כל באי העולם בחולדה אלא מה החולדה הוזה גוררת ומנחת ואינה יודעת למי מנחת כך הן כל באי העולם גורדין ומניחין גורדין ומניחין ואינן יודעין למי הן מניחין. יצבר ולא ידע מי יוספם "Why does it²⁰³ liken all inhabitants of the world to a weasel,²⁰⁴ because just as this weasel drags and stores up and does not know for whom it stores, so the dwellers of the world drag and store, drag and store, not knowing for whom they store, [as it is written]:²⁰⁵ 'He heapeth up riches, and knoweth not who shall gather them'."²⁰⁶

Artemidorus²⁰⁷ similarly explains that the vision of a weasel in a dream is a bad omen because it spoils whatever it takes.²⁰⁸ The latter interpreted the dream of a weasel by means of *gematria* and a symbol; the Rabbis apply it in the *Aggadah* with the help of paronomasia.

Although there is no evidence in early rabbinic literature for the use of *gematria* (*ισόψηφα*) in the interpretation of dreams²⁰⁹

¹⁹⁸ See Artemidorus *ibid.*, ed. Hercher, *Index rerum*, p. 303, s. v. *ισόψηφα*; Buché-Leclercq *ibid.* I, pp. 313 and 318 ff.

¹⁹⁹ Artem. III. 28: ἐστὶ γὰρ ἰσόψηφος δίκη καὶ γαλῆ.

²⁰⁰ See H. Lewy, *Zeitschrift des Vereins f. Volkskunde* III, 1893, pp. 135–136. Comp. also Lieberman *GJP*, p. 98, n. 19.

²⁰¹ See Lieberman *ibid.*

²⁰² *TP Shabbath* XIV. 1, 14c.

²⁰³ I. e. Scripture, Ps. 49:2.

²⁰⁴ A play on חלד and חולדה.

²⁰⁵ Ps. 39:7. Comp. *ibid.* 6.

²⁰⁶ The Rabbis probably allude to the destruction of the weasel by the snake which then devours the food stored up by the former. See Arist. *Hist. anim.* IX. 1, 609b; *ibid.* 6, 612b.

²⁰⁷ *Ibid.* III. 28.

²⁰⁸ ὅ τι γὰρ ἂν λάβῃ, τοῦτο σήπει.

²⁰⁹ Comp. A. Loewinger, *Der Traum in der jüdischen Literatur*, p. 27, n. 7 and p. 30. See below n. 211.

we can assume the Rabbis were not unaware of this method in the *onirocritica*. The wide use of the *gematria* in the magic and mystic literature²¹⁰ argues for its general application in all occult sciences of the time.²¹¹

4. Substitution of letters, *Athbash*²¹² was widely practiced in antiquity.²¹³ No evidence is found for the application of *Athbash* in dream interpretations, but the common use of it suggests that the experts on dreams would not neglect this device when occasion arose. Rab²¹⁴ maintained²¹⁵ that Daniel had interpreted (Dan. 5:25) the oracle by the method of *Athbash*. This asserts its application in at least the interpretation of oracles.

5. *Notaricon* in all its forms and variations as it was employed by the Rabbis in the exposition of the *Aggadah*²¹⁶ is quite common in the interpretation of dreams among both Jews and Gentiles:

²¹⁰ See F. Dornseiff, *Das Alphabet* etc., pp. 91-118; Th. Hopfner, *Griechisch-Aegyptischer Offenbarungszauber*, p. 181; R. Eisler, *Weltenmantel*, p. 789, s. v. Isopsephie; idem, *Archiv f. Religionswissenschaft* XVI, 1913, p. 305, n. 2.

²¹¹ The use of letters as numerals is apparently a Greek invention which was adopted by the Semites at a much later time, see Dornseiff, *Das Alphabet* etc., p. 11. (Comp. now H. L. Ginsberg, *Studies in Koheleth*, p. 32 ff.) At some time during the second commonwealth the Jews inscribed α, β, γ (signifying 1, 2, 3) on the several baskets in the temple of Jerusalem (See *Mishnah Shekalim* III. 2), i. e. the Jews availed themselves of the Greek alphabet to employ letters as numerals (In the *Mishnah* *ibid.* R. Ishmael is only explaining the statement of the first *Tanna*). Comp. however Tosefta *Ma'asser Sheni* V. 1.

The numerical value of Greek letters was also utilized in the rabbinic dream interpretations. R. Jose (*BR* ch. 68. 12, 785, see also the sources referred to above, n. 192) explains (the dream about the treasure in) Cappadocia to signify *κάππα δοκοί*, twenty beams. This is, of course, no *ισόληφον*. The absence of the latter in early Jewish *onirocritica* may be quite indicative of its origin.

²¹² See above n. 177.

²¹³ See Dornseiff, *Das Alphabet* etc., pp. 17 (and n. 2 *ibid.*), 125 and 136. Comp. also H. I. Marrou, *Histoire de l'éducation dans l'antiquité*, p. 212. For other ways of substitution of letters see Suetonius, *Jul.* LVI. 6 (A. Gelius, *Noct. Att.* XVII. 9. 1-5); idem, *Aug.* LXXXVIII. Comp. *TB Sukkah* 52b.

²¹⁴ Flourished at the beginning of the third century.

²¹⁵ *TB Sanhedrin* 22a.

²¹⁶ See above, nn. 180-185.

a. Every single letter is considered as an abbreviation of a word.²¹⁷ R. Joshua b. Levi said²¹⁸ that the vision of the letter ט"ח in a dream is a good omen. "Is it because ט"ח stands for טוב?"²¹⁹ Similarly, Artemidorus²²⁰ relates that once a military commander saw the letters ι κ θ in a dream inscribed on his sword.²²¹ The Jewish war in Cyrene²²² broke out, and the man who saw the dream died a hero's death. Consequently, the explanation of the dream was that the ι stood for 'Ιουδαίους, the κ for Κυρηναίους and the θ for θάνατος.

b. The anagram²²³ was a common device in the *onirocritica*. The Rabbis say:²²⁴ שְׁעוֹרִין שְׁנֵאמַר וְסָר עוֹנֵךְ "If a man sees barley in a dream it means that his sins were removed, as it is written (Isa. 6:7): 'And thine iniquity is taken away'." The letters שְׁעוֹרִין (barley) are transposed and made to signify סָר עוֹן (sin is removed). It is a common procedure in the hermeneutic rules of the *Midrash*. TB²²⁵ formulates it: נִרְעֵין וְמוֹסִיפִין וְדוֹרְשִׁין "One may remove [a letter] and add [one] and then interpret." From Artemidorus²²⁶ it is evident

²¹⁷ See above, n. 180. Comp. also the *Onirocriticon* of Rabbi Shlomoh Almoli חלוטות, Gate I, ch. 1 end.

²¹⁸ *TB Baba Kamma* 55a, see דקדוקי טופרים *ibid.*, p. 119.

²¹⁹ *TB* *ibid.* For ט"ח as an inauspicious sign, see Lieberman, *GJP*, p. 191. In the *Midrash* of the alphabet by the Samaritan Marqah (M. Heidenheim, *Der Kommentar Marqah's des Samaritaners*, p. XI, n. 2) this letter is the symbol of the snake which brought destruction into the world. Comp. however, Rettig, *Memar Marqa*, p. 23. Dornseiff (*Das Alphabet* etc.) who collected the material on the exegesis of the alphabet overlooked Marqah's *Midrash*. See H. Baneth, *Des Samaritaners Marqah an die 22 Buchstaben*, Berlin 1888, p. 50 ff.

²²⁰ IV, 24.

²²¹ οἷον ἔδοξε στρατοπεδάρχῃς ἐπὶ τῇ μαχαίρᾳ αὐτοῦ γεγράφθαι ι κ θ. ἐγένετο πόλεμος ὁ 'Ιουδαϊκὸς ἐν Κυρήνῃ, καὶ ἡρίστευσεν ἐν τῷ πολέμῳ ὁ ἰδὼν τὸν δνειρον, καὶ τοῦτο ἦ δ εἶπομεν, ἀπὸ μὲν τοῦ ι 'Ιουδαίους, ἀπὸ δὲ τοῦ κ Κυρηναίους, ἀπὸ δὲ τοῦ θ θάνατος.

²²² The reference is probably to the Jewish war against Trajan, see Schürer, *Geschichte* I, p. 665.

²²³ See above n. 183.

²²⁴ *TB Berakhoth* 57a.

²²⁵ *Yoma* 48a; *Baba Bathra* 111b and parallels. Comp. *TP Sota* V, 1, 20a.

²²⁶ IV, 23: μεταθέντες . . . ἀφελόντες ἢ προσθέντες γράμματα. "Changing . . . removing and adding letters." Comp. *ibid.* I, 11.

that this was the practice of the Greek interpreters of dreams. The anagram was also widely employed in mystic and magic literature.²²⁷

c. The dissolution of one word into two parts²²⁸ was also generally practiced in the *onirocritica*. ישמעאל is there interpreted²²⁹ as שמע אל, "The Lord will hear [his prayers]," and לו לב as לו לב "To Him is [his] heart."²³⁰ During his siege of Tyre Alexander the Great is said to have seen a satyr in a dream who mocked him at a distance. "The diviners, dividing the word "satyros" in two parts (sa Tyros), said to him plausibly enough 'Tyre is to be thine'."²³¹

We not only find the same methods employed in the *onirocritica* and in the *Aggadah*, but sometimes also come across the very same interpretations in both sources. The *Sifre*²³² playing on the word מורשה (Deut. 33:4), heritage, interprets it as if it were written מאורשה (betrothed), and, deriving from it that the Torah is betrothed to Israel, it draws certain conclusions.²³³ The identical exegesis is used in the solution of a dream.²³⁴ In the *onirocriticon* the betrothed girl symbolizes the Torah. In the *Aggadah* the Torah is betrothed to Israel.

The methods applied in the understanding of dreams were invented neither by the Jews nor by the Greeks. They go back to hoary antiquity. The ingenuity of the diviner or seer produced the most complicated solutions of dreams, oracles and magic, which lent themselves to similar ways of interpretations; they borrow from each other and supplement one another.

"Seventy years, as the period of its (i. e. Babylon's) desola-

²²⁷ See L. Blau, *Das altjüdische Zauberwesen*, pp. 147-148; Dornseiff, *Das Alphabet* etc., p. 63.

²²⁸ See above, nn. 181, 184-186.

²²⁹ *TB Berakhoth* 56b.

²³⁰ *Ibid.* 57a.

²³¹ Plut. *vit Alex.* XXIV. 5: οἱ δὲ μάντεις τοῦνομα διαιροῦντες οὐκ ἀπιθάνως ἔφασαν αὐτῷ· Σὴ γενήσεται Τύρος. Artemidorus (IV. 24) ascribes this analysis to the famous seer Aristandros of Telmessus in Lycia. See on him Bouché-Leclercq, *Histoire de la divination* II, p. 76 ff.

²³² II, 345, ed. Finkelstein, p. 402. Comp. *Shemoth Rabba* XXXIII. 7.

²³³ See also *TB Sanhedrin* 59a and *Pesaḥim* 49b.

²³⁴ *TB Berakhoth* 57a.

tion, he (i. e. Marduk) wrote down (in the Book of Fate). But the merciful Marduk in a moment his heart was at rest (appeased) turned it upside down and for the eleventh year ordered its restoration."³⁵ The Babylonian numeral "70" turned upside down, or reversed, becomes "11", just as our printed "9" turned upside down becomes "6".³⁶

Writing or reading letters upside down was probably not limited to oracular interpretation only, but was practiced in magic as well. More than a thousand years later Plinius Medicus prescribed³⁷ as a "remedy" for a persistent haemorrhage the writing of the patient's own name on his forehead in letters inverted upside down.³⁸ The methods were the same at different times among different nations.

The Rabbis knew this truth. R. Abbahu³⁹ was once involved in a controversy with non-Jews about the survival of children born after seven or eight months of pregnancy.⁴⁰ The

³⁵ The Black Stone of Esarhaddon of 680 B. C. E. (Luckenbill in *The American Journal of Semitic Languages* XLI, 1925, p. 242 ff.). Prof. H. L. Ginsberg has kindly drawn my attention to this inscription.

³⁶ Luckenbill *ibid*.

³⁷ I. 7, cited by Dornseiff, *Das Alphabet* etc., p. 56, n. 1.

³⁸ Nomen ipsius, inversis literis, apices deorsum.

³⁹ Died in the beginning of the fourth century.

⁴⁰ According to a tradition quoted from an unknown source in the Yemenite *Midrash Haggadol* on Ex 2:2 (p. 13): "All the prophets were born after only seven months of pregnancy." *Protev. Jacobi* (V. 2) asserts (according to two manuscripts and the Armenian version) that Anna gave birth to Mary after seven months of pregnancy. The same was said about Dionysus and Apollo, see Gaster, *The Joshua Bloch Memorial Volume*, p. 118, n. 4.

Rabbi Simeon Duran in his book (composed at the beginning of the fifteenth century in Algiers) נון נון relates: And they (i. e. the Gentiles) say that the reason a child born after eight months of pregnancy is not viable is that Jesus the Nazarene, who was born after eight months of pregnancy ordained that no child born after this period of pregnancy survive. Suspecting that the Rabbi drew his information from Moslem sources I inquired of Prof. Arthur Jeffery about this tradition in Arabic literature. Dr. Jeffery kindly supplied the following information: Ibrahim al-Tha'labi in his *Kışaṣ al-Anbiā* (i. e. *historiae prophetarum*), ed. Cairo 1921, p. 265 reports (The tradition goes back to Al-Kalbi): "The scholars differ as to the period of Mary's pregnancy and the time of her giving birth to Jesus. Some say that the measure of her

Rabbi remarked:²⁴¹ מִמֵּנִי אֶפְשָׁה אֵינִי אֶפְשָׁה לְכֹן זִמְנָא אִיפְשָׁה אֵינִי אֶפְשָׁה
 "From your own [alphabet] I will prove it to you ζ (ζῆτα) =
 ἐπτά, η (ἥτα) = ὀκτώ."²⁴² The most plausible explanation was
 suggested by O. Crusius:²⁴³ Since ζ equals 7 and η 8 the
 cryptogram has to be deciphered as: ζῆ τὰ ἐπτά <μᾶλλον>
 ἢ τὰ ὀκτώ, i. e. "Infants of seven months are more likely to
 survive than those of eight."²⁴⁴ R. Abbahu resorted here to
 the *notaricon*,²⁴⁵ paronomasia and the numerical value of letters,
 and combined them together²⁴⁶ for the purpose of investing
 letters of the Greek alphabet with mysterious significance. The
 method was well understood by Jew and Gentile alike.

To sum up, numberless methods for the interpretations of
 dreams, oracles and mystic writings existed in the ancient
 world from times immemorial. Very often the same phenome-
 non lent itself to various and even contradictory explanations.²⁴⁷

pregnancy was the same as other women, namely nine months. Others say it
 was *eight* months, and that that was an added miracle, since no eight months
 child has ever lived save Jesus. Others say it was six months, others three
 hours, and others, that it was a single hour." In this source, however, there is
 no mention that it was Jesus who decreed that no child born after eight months
 of pregnancy should survive. The Rabbi denied the claim, pointing out that
 Hippocrate (See *de nutr.* XLII and the commentary of Sabinus quoted by
 A. Gellius, *noctes Att.* III. 16) and Aristotle (See *hist. anim.* VII. 4 584b)
 who lived hundreds of years before Jesus possessed knowledge of this rule.
 Consequently, it cannot be ascribed to the decree of Jesus.

²⁴¹ BR XIV. 2, 1272 and parallels referred to by Theodor a. 1.

²⁴² See A. Brüll, *Fremdsprachliche Redensarten*, Leipzig 1869, p. 16, n. 2;
 S. Krauss LW I, p. 154.

²⁴³ *Apud* L. Cohn in *MGWJ* XLIV, 1900, p. 569; see Lieberman *GJP*,
 p. 23.

²⁴⁴ Comp. Galen, *Phil. hist.*, ed. Kühn p. 333; Oribasius, *collect. med.*
 XXII. 5, ed. Bussemaker et Daremberg III, p. 63. The latter remarks that
 the theory according to which children born after eight months of pregnancy
 are not able to live is false, for they do live (τοῦτο δὲ ἐστὶ ψεῦδος· ζῆ γάρ).
 But the truth is that the number of surviving eight months infants is less
 than that of seven months children (ἥττον τῶν ἐπταμήνων).

²⁴⁵ I. e. breaking the names of the letters in two parts.

²⁴⁶ It is the same device employed by R. Jose in his dream interpretation
 where he dissolved Cappadocia in Κάππα δοκοί, twenty beams, see above
 n. 211.

²⁴⁷ See Cicero, *de divinat.* II. 70.

The Rabbis who flourished at the end of the first and the beginning of the second centuries (and among them we find R. 'Akiba, the famous interpreter of the Torah) already employed the shrewd and complicated methods of the *onirocritica* in their dream interpretations.²⁴⁸

For the interpretation of sacred *legal* texts, which were not as a rule formulated in an ambiguous language, different means were undoubtedly in use among the priests. The Rabbis applied comparatively few rules to the elaboration of the legal part of the Torah. They were the result of choice, discrimination and crystallization out of many ways for the exposition of texts. In the *Aggadah* however and in the *אסמכתות* ("supports") for the *Halakha*, the Rabbis resorted to well established devices which were current in the literary world at that time. Had the Rabbis themselves invented these artificial rules in their interpretations, the "supports" from the Bible would be ineffective and strange to the public. But as the utilization of instruments accepted all over the civilized world of that time their rules of interpretation of the *Aggadah* (and their "supports" for the *Halakha* from Scripture) were a literary affectation which was understood and appreciated by their contemporaries.²⁴⁹

However, although we possess no evidence that the Rabbis borrowed their rules of interpretation from the Greeks, the situation is quite different when we deal with formulation, terms, categories and systematization of these rules. The latter were mainly created by the Greeks, and the Jews most probably did not hesitate to take them over and adapt them to their own rules and norms.

The name *Mekhilta*, *Mekhilata* (literally: measure, measures), for the *Tannaitic* treatises which interpret the Bible²⁵⁰ cor-

²⁴⁸ *TP Ma'aser Sheni* IV, end, 55c.

²⁴⁹ We have suggested that some of the artificial rules in *Aggadic* hermeneutics were derived from the *onirocritica* rather than from the realm of oracles etc. because the former was in vogue among the Jews, whereas nothing of the latter was used by them in the rabbinic period save the *בא קול*, see Appendix I, below p. 194 ff.

²⁵⁰ Or for collections of rabbinic law, see J. N. Epstein, *Tarbiz* VI. 3, p. 102 ff.

responds exactly to *κανών*, *κανόνες*,²⁵¹ the treatise, or treatises, of logic.²⁵² Again the term *נזירה* *שה* appears to be the literal translation of the Greek *στυγακρίσις πρὸς ἴσον*,²⁵³ which indicates the influence of Greek terminology.

Hence we may go a step further. Although the Rabbis cannot be definitely said to have adopted a certain method from the Greeks, they may nevertheless have learned from them the *application* of that method to a particular question. We shall cite one interesting instance.

It appears that the device of an acrostic in a composition to indicate the name of the author was already employed in the Orient in the second millenium B. C. E.²⁵⁴ According to Cicero²⁵⁵ Ennius Quintus wove into some of his verses the acrostic:²⁵⁶ Quae Q. Ennius fecit, "Quintus Ennius wrote it." In the view of modern scholars the Greek acrostic of this type²⁵⁷ is not earlier than the second century B. C. E.²⁵⁸

Perhaps we may venture the conjecture that even the early Alexandrian grammarians sought acrostics in Homer's books for the purpose of establishing the authorship of certain poems found in our Iliad and Odyssey.²⁵⁹ Athenaeus reports²⁶⁰ that Sosibius²⁶¹ was a recipient of a royal stipend from Ptolemy Philadelphus. The latter once commanded his stewards to refuse Sosibius his stipend and to tell him that he had already received it. The stewards obeyed the order of the king and, consequently, Sosibius went to him and complained of their action.

²⁵¹ See Hoffmann, *Zur Einleitung in die halachischen Midraschim*, p. 37 and Epstein *ibid.*

²⁵² Comp. δ' *Ἐπικούρου κανών*, see Diog. Laert. X. 30 ff.

²⁵³ See above, p. 59 ff.

²⁵⁴ See B. Landsberger, *Zeitschrift f. Assyriologie* 1936, p. 33; R. Marcus, *Journal of Near Eastern Studies* VI, 1947, p. 109 and notes *ibid.*

²⁵⁵ *De divin.* II. LIV. 111, referred to by Graf in *PW RE I*, p. 1200.

²⁵⁶ Quae *ἀκροστιχίς* dicitur.

²⁵⁷ Notwithstanding the report of A. Gellius (*Noct. Att.* XIV. 6. 4) that some authors tried to find acrostics in the poems of Homer (see Graf *ibid.*).

²⁵⁸ I. e. not earlier than the previously mentioned Latin acrostic, see Graf *ibid.* and Dornseiff, *Das Alphabet* etc., p. 147.

²⁵⁹ Comp. Seneca, *epist.* 88. 40.

²⁶⁰ *Deipn.* XI, 493f.

²⁶¹ See above n. 144.

Ptolemy asked for the records and, upon examining them, affirmed that his stewards were right in their assertion that Sosibius had already received his stipend. The records had the following list of names of people who had already been paid their allowances: Soteris, Sosigenos, Bionos, Appolloniou. The king said: Take the *so* from Soteris, the *si* from Sosigenos, the first syllable from Bionos and the last letters from Appolloniou, and you have: So-si-bi-ou. "You will find that you yourself received your due according to your own devices,"²⁶² i. e. the way of your interpretation of Homer.

This anecdote makes good sense only if we suppose that Sosibius liked to look for acrostics in the poems of Homer which might contain the names (signatures) of their authors. Ptolemy argued that by Sosibius' own methods he could prove that the latter's name was found in his records indicating that he had already received his pay. If our conjecture is true, Sosibius was the first to introduce the search for an acrostic as a literary criterion for the establishment of the authorship of a given work. This innovation seemed ridiculous to his contemporaries, and he was accordingly given his own medicine.

In early rabbinic literature this kind of acrostic is not mentioned.²⁶³ But the Rabbis were sometimes confronted with problems similar to the question of authorship in classic literature, and the possible discovery of an acrostic would be of some help.

For instance, the Rabbis differed as to the writer of the Second Tables. The Bible itself leaves room for doubt. Some verses imply (Ex. 34:1; Deut. 10:2, 4) that the Almighty wrote them (as He did the first ones). But other verses (Ex. 34:27, 28) indicate that Moses engraved the Second Tables. The prevalent rabbinic view is that both the First and the Second Tables were written by the Almighty Himself.²⁶⁴ But some

²⁶² εὐρήσεις σαυτὸν ἀπειληφότα κατὰ τὰς σὰς ἐπιβολάς.

²⁶³ The only two instances are: *Pesikta Rabbati* 46, ed. Friedmann, 187a which finds the acrostic למטה in ליום השבת (Ps. 92:1) and *Tanhuma* דאוריני 5 where a *gematria* derived from an acrostic forms the name משה. In both cases we have apparently later interpolations.

²⁶⁴ See *Tosefta Baba Kamma* VII, 358f. ff. and *Debarim Rabba* III. 17.

rabbinic sources suggest that the latter were the work of Moses.²⁶⁵ Rabbi Isaiah the Younger (of Trani) states explicitly:²⁶⁶ וכחבתי על הלוחות לאו דווקא שדרי אמר כתוב לך ולא היה מכתב אלקים " 'And I will write' (Ex. 34:1) is not meant in the literal sense, for it is said (ibid. 27): 'Write thou'. Only the First Tables were of the Lord's own handwriting. The verse 'I will write' means I shall order thee to write." Similarly Pseudo-Philo²⁶⁷ records: Et dixit ei Deus . . . rescribe in eis iusticias etc. "And the Lord said to him . . . write upon them the laws etc."

Consequently the opinions of the Rabbis were divided as to the handwriting of the Second Tables. Both parties found their evidence in אנכי, the first word of the Tables, which they rated as an acrostic. The prevalent opinion read it²⁶⁸ to mean: אנא נפשי כתבית יהביה "I Myself wrote [and] gave [them]." In this view the first word of both the First and the Second Tables indicates that they were both written by the Lord Himself.

However an anonymous statement preserved in the Yemenite *Midrash Haggadol*²⁶⁹ records: אנכי רבנן אמרי אנא נומיקה כתבית יהביה "The Rabbis said אנכי is to be resolved into: I *nomico* (νομικός) wrote [and] gave [them]." Here it is the νομικός who wrote and gave the Tables. There can be no doubt that the νομικός is none other than Moses. The Samaritan Marqah,²⁷⁰ in enumerating the titles of Moses, calls him מיסטה,²⁷¹

²⁶⁵ *Shemoth Rabba* XLVII. 9, end. Comp. ibid. 2 and *Tanḥuma* ibid., ed. Buber 59a and n. 123 *ibid.*

²⁶⁶ אוצר טוב, *Hebräische Beilage zum Magazin* of Berliner and Hoffmann, 1885, p. 16.

²⁶⁷ XII. 10, ed. Kisch, p. 149.

²⁶⁸ *TB Shabbath* 105a; *Pesikta Rabbathi* XXI, ed. Friedmann 105a; *Pesikta deR. Kahana* XII, 109a.

²⁶⁹ To Deut. 5:6 in הסנולה XVIII, p. 53; *Midrasch Tannaim*, ed. Hoffman, p. 20, note *.

²⁷⁰ M. Heidenheim, *Bibliotheca Samaritana* III, p. 114; H. Baneth, *Des Samaritaners Marqah an die 22 Buchstaben*, p. 48.

²⁷¹ This was the surname of Moses in the Jewish Hellenistic writings, see W. Bauer, *Griechisch-deutsches Wörterbuch z. d. N. T.*, s. v. *μωσῆς*. Likewise in *ascensio Mosis* (I. 14; III. 12) Moses is styled *arbiter*. The rabbinic writings as well term Moses מרסור, see *TP Megillah* IV. 1, 77d; *Pesikta deR. Kahana*

μεσότης, middleman, and נומיקה, νομακός, *iuris prudens*, or scribe, notarius.²⁷³ The Samaritans²⁷³ and the Palestinian *Targumim*²⁷⁴ call Moses ספר. In the Greek of the Byzantine period νομακός was simply *tabellio*,²⁷⁵ notary.²⁷⁶ The Rabbis who maintained that the Second Tables were engraved by Moses explained that in these הנהיג נחשׁו in נחשׁו stands not for נפשי (Myself) but for נומיקה, νομακός, Moses.

V, 45a (twice) and parallels; *Shemoth Rabba* III. 5; *ibid.* XXXIII. 1; *Debarim Rabba* III. 12 *passim*. Prof. Louis Finkelstein (*Tarbiz* XX, p. 96) discovered that Moses was also called בניי, middleman. He is also termed שליה (*Sifra*, end, 115d), agent. See also *Pesikta Rabbathi* XV, ed. Friedmann 69a and *Shir Rabba* I. 4, ed. Rom 5a.

²⁷³ And not law-giver, as translated by A. E. Cowley, *The Samaritan Liturgy* II, Glossary, p. LXII, s. v. נומיקה. *Aggadath Bereshith* (XXXVI, ed. Buber, Krakau, 1903, p. 72) in referring to איה סופר (Is. 33:18) renders it: איה הן הנומקין שלה "Where are her νομακοί" (Comp. S. J. Miller, *The Samaritan Molad Moshe*, p. 6012, where the plural is spelled נומיקים).

²⁷⁴ See Marqah, ed. Baneth *ibid.*, p. 42.

²⁷⁵ See ps.-Jonathan Num. 21:18 *passim*. He is also called ספרא רבה (TB *Sota* 13b, Onkelos Deut. 33:21, *passim*) which corresponds to כחבה רבה of the Samaritans, see Heidenheim, *op. c.* II, p. 138.

²⁷⁶ See Goetz, *CGL* II, 1493 and Preisigke, *Fachwörter d. öffentlichen Verwaltungsdienstens Ägyptens*, p. 130, s. v. νομακός.

²⁷⁷ Comp. also Payne Smith, *Thesaurus Syriacus*, p. 2232.

18.

How Much Greek in Jewish Palestine?

By SAUL LIEBERMAN

Before approaching our subject, let us first determine its exact area and scope. From the conquest of the East by Alexander the Great until the end of the Talmudic period the Jews of Palestine lived amidst nations with a more or less developed Hellenistic culture (at least among the upper classes of society). At the same time, the Palestinian Rabbis shaped Rabbinic Judaism, which has influenced the life of the Jewish people up to modern times. Rabbinic literature has been studied by the Jews for two thousand years, and has left deep imprints on their minds and hearts throughout the generations. Ancient Rabbinic works reflect certain attitudes toward the behavior, thinking, and teaching of the non-Jewish Hellenistic world. It is therefore pertinent to ask: "Were the views of the ancient Palestinian Rabbis based upon knowledge of the surrounding Hellenistic culture, or were they the product of ignorance, or, at least, the result of misunderstanding?" Hence, "How much Greek in Jewish Palestine?" is to be understood mainly as the question: "How much knowledge of the world which surrounded them did the builders of Rabbinic Judaism possess?"

It is, therefore, obvious that we shall have to eliminate from our discussion pre-Maccabean Hellenistic Judaism, the Hellenism of the Jewish aristocracy, the high priests and their families, apocryphal and pseudepigraphic writings, the many Greek inscriptions found in Jerusalem and in the rest of Palestine, and even the long hexametrical Greek epigram discovered in Beth-She'arim, the central burial place in the very heart of Rabbinic Palestine of the third and fourth centuries. Relevant though that material may be, we must limit ourselves to the main stratum which influenced Judaism: namely, Rabbinic literature.

It is natural that modern Jewish scholars have been particularly interested in the influence of Greek philosophy on the Rabbinic mind. We are

greatly indebted to the works of Joel,¹ Bacher,² Neumark,³ Kaminka,⁴ and many others who pointed out numerous parallels between some Rabbinic passages and the sayings of Greek philosophers. These include cosmological topics, questions about the soul and its immortality, about ethics and practical wisdom. It is highly probable that some purely Greek ideas penetrated into Rabbinic circles. Some were accepted and many were rejected, cognizance of the latter being taken in the form of arguments trying to prove the fallacy of the ideas concerned. It would require a series of lectures to treat in elaborate fashion all the passages in the Rabbinic books which may be associated with the views and sayings of the Greek philosophers. For our purpose it will suffice to state that the researches of Jewish scholars have shown the center of contact between Rabbinic and Greek philosophy, particularly the philosophy of the Stoics, to lie in the ethical principles with which both philosophers and Rabbis were deeply concerned.

Kaminka⁵ collected many quotations from the Stoics which, in his opinion, are identical with Rabbinic statements. And since the early and middle Stoa preceded the Rabbis in question, it was reasonable to assume that the latter borrowed from the former. However, most of the cited examples are ethical aphorisms and apothegms which could be formulated by any intelligent person raised on the teachings of the Hebrew Bible. Some of them were the apanage of the entire civilized ancient world. The Jews and the Greeks may have drawn them from a common source. And, finally, some topics seem to have only a superficial similarity to those raised by the Stoics, and one may doubt whether the points argued by the Stoics and the Rabbis are identical.

Nevertheless, upon closer examination we may sometimes discover that some seemingly questionable conjectures of Jewish scholars are much sounder than they appear *prima facie*. We shall illustrate this point by reference to a well-known text.⁶ "Supposing two people are walking in a waterless desert. One of them has in his possession a canteen of water.

1. *Blicke in die Religionsgeschichte* . . . , vols. I-II (Breslau, 1880-1883).

2. In his notes on the pertinent passages of the *Aggada* throughout his monumental work, *Die Agada der Tannaiten* (Strassburg, 1890), and *Die Agada der palästinensischen Amoräer* (Strassburg, 1892).

3. תולדות הפילוסופיה בישראל, pp. 39-95.

4. מחקרים בתלמוד, חל - אביב חשי"א, pp. 42ff.

5. *Ibid.* and in his article in *REJ* 82:233ff. (1926). Cf. also J. Bergmann, "Die Stoische Philosophie und die jüdische Frömmigkeit" in *Festschrift zu Herman Cohen's siebzigsten Geburts'age* (Berlin, 1912), pp. 145ff.

6. *Sifra Behar*, VI, 3 (ed. Weiss), 109c; *BT Baba Meš'a* 62b.

Were he alone to drink from it, he would survive and reach an inhabited place; but were he to share this water with his companion, both would perish. 'Let them both drink and die,' said Ben Peturi. Rabbi 'Akiba objected: 'Your life comes before the life of your brother.'"

Bacher,⁷ Juda Bergmann⁸ and Kaminka⁹ associated this passage with the question raised by Hecaton (a Stoic of the second century B.C.E.) as quoted by Cicero:¹⁰ Supposing a ship was wrecked in the sea and two people took hold of a plank; if one man clings to it, he has a chance to be saved, but if both cling to it, both will perish. The answer of the Stoic is that the plank should be left to the man whose life is more valuable, either for his own sake or for that of his country. Since Hecaton flourished about one hundred and fifty years before Rabbi 'Akiba, it was plausible to assume that the Rabbis borrowed the problem from the Stoics.

Upon second thought, however, it appears that the said two questions are far from being identical. The case of two men who try to save themselves on the plank of a sinking ship represents no problem to a Rabbi; if one of them pushed the other way, or wrested a plank from another person in the middle of the sea, he would be considered a sheer murderer. He who kills an innocent person in order to save his own life is guilty of murder. The problem posed by the Rabbis was: should a man give away his property upon which his very life depends (in our case, some of the water in his canteen) in order to prolong somebody else's life? Normally a man is master of his property, but he is never master of his life. Nobody has the right to decide that his own life is less important than the life of another single individual. In case his life depends on his property, he actually gives his life away when he surrenders his property. It is for this reason that Rabbi 'Akiba ruled: your life comes before the life of your brother; you are not supposed to give your life away with your own hands in order to save the life of another person. It is the factor of ownership which determines the ruling in the Rabbinic case.

The above-mentioned scholars did not, however, quote Cicero *in toto*. He reports in the same context another question in the name of Hecaton: "What about the owner of the ship? May he take away the plank? The answer is: until they reach the place for which the ship is chartered, she belongs to the passengers, not to the owner." This answer solves our problem too. It is evident that the Stoic raised here the question of ownership: has the owner of the property any special rights in a case like ours?

7. *Die Agada der Tanaiten*, I, 62, n. 1.

8. "Die Stoische Philosophie," p. 160.

9. מוקדמות, p. 155.

10. *De officiis* III, 23.

He dismissed the question by deciding that in this case the ship does not belong to her master only, but also to the passengers; the master has therefore no advantage of ownership. Now it is almost unthinkable that the sophist stopped with that problem. Since he had already raised the problem of ownership, he could not be content with the answer that in this particular case ownership did not apply. It must have occurred to him that a similar question might arise under circumstances of indisputable ownership, like the case cited by the Rabbis, or one similar to it. A famous sophist can hardly be suspected of such a flagrant omission. Cicero begins his chapter as follows: "The sixth book of Hecaton, *Moral Duties* [*De officiis*] is full of questions like the following," and he then proceeds to quote the problems we have just mentioned. In the light of what we said it is more than probable that Hecaton did deal with the question whether unchallenged ownership of a life-saving object could decide the proper moral behavior of two men fighting for their lives. Cicero himself explicitly admits that he did not report all the cases cited by Hecaton.

Fortunately, our conjecture can be fully corroborated. Solomon Pines discovered¹¹ in a work by the physician and philosopher al-Rāzī¹² the following passage: "Or like two people in a waterless desert. One of them has in his possession an amount of water sufficient to sustain himself, but not enough for both of them. Under such conditions it is proper that the water be assigned to the one more useful to mankind." Pines rightly pointed out that the instance quoted by al-Rāzī is exactly identical with the example cited by the Rabbis; moreover, that it was unlikely that al-Rāzī drew his information from a Rabbinic source. For the answer was the one offered by the Stoics in the case of a plank from a sinking ship, and not the answer given by the Rabbis. Hence he concludes that al-Rāzī drew on the book of the Stoic Hecaton. We demonstrated above that Hecaton could not have failed to ask the same question as the one raised by the Rabbis. Pines' conclusion can hardly be refuted. We thus have before us a problem of the Stoics discussed by the Rabbis, and answered by the latter not on the basis of expediency (*utilitas*), but according to the principles of Jewish law.

What was a mere conjecture on the part of Bacher, Bergmann, and Kaminka can now be considered substantiated. The problem posed by the Stoics assumes a legal character with the Rabbis. None of the Rabbis suggested that the owner of the water should deliver it to the other person;

11. See *Tarbiš* 16:241ff. (1945).

12. Flourished in the first half of the tenth century.

for as soon as the water is surrendered, the other, on his part, must act in the same manner as the first. The fact that he was not the original owner of the water does not give him any precedence over the former. The only question is whether they should both share the water, and subsequently perish together, or whether the owner should retain his property entirely for himself. The Stoic principle of *utilitas*—that is, that of preferring the person “whose life is more valuable, either for his own sake or for that of his country”—is applied by the Rabbis only in case a third person has to make his choice between two other human beings.¹³ Thus the Babylonian Talmud (*Nazir* 47b) states explicitly that the “Anointed for Battle” is to be saved first (that is, before his superior, the *Sagan*, the adjutant to the High Priest), because the welfare of the community depends upon him; in other words, because his life is more valuable to his country.

It is, indeed, fairly reasonable to assume that some elements of Greek philosophy penetrated into Palestinian Rabbinic circles; the question, however, is: “How much?” In recent years Professor I. F. Baer, the prominent Israeli historian, advanced the thesis that the Rabbis were strongly influenced by Platonic ideas, and that Rabbinic methods of interpretation were directly affected by the dialectic of the Greek philosophical schools.¹⁴ He modestly disclaims competence in the Rabbinic field but feels called upon to undertake his task, being not too happy, it appears, with the historical perspective of the scholars in the field.¹⁵ He admits, however, that his thesis is to be regarded as no more than a primary outline for future orientation.¹⁶

The present writer regrets to say that the simple meaning of the texts and common scholarly methods do not justify the conclusions arrived at by Professor Baer. None of the sources cited indicates direct Greek philosophic influence. Most of the texts, though correctly interpreted by him, are either irrelevant or do not bear out the conclusions. In the few cases in which the sources, according to Baer, betray evident influence of Greek philosophy, they were totally misunderstood. We shall illustrate our contention by two examples.

Professor Baer cites¹⁷ the famous saying of Beth Shamai¹⁸ about the three

13. See Mishnah *Horayoth* III, 7-8; Mishnah *Baba Meṣi'a* II, end, and parallels. Cf. Tosafoth *Nazir* 47b, s.v. והתניא, and *Sha'ar Joseph* by Azulai on *Horayoth* 113b.

14. ישראל בעמים (Jerusalem, 1955) and in his articles in *Ṣiyon* 23-24: 3ff., 141ff. (Jerusalem, 1958-59). Cf. also *Ṣiyon* 21: 1ff. (1956).

15. ישראל בעמים, p. 130, n. 1.

16. *Ibid.*

17. *Ṣiyon* 23-24: 6.

18. Tosefta *Sanhedrin* XIII, 3; BT *Rosh Hashanah* 16b.

groups on the day of judgment: one perfectly righteous, the other utterly wicked, and the third intermediate. The intermediate will go down to Hell (*Gehinom*) and squeak and rise again. He argues that the expression *מַצְפִּיעַ* in this Rabbinic text can be understood only on the basis of the Greek text of Plato (*Phaedo* 114a):¹⁹ ἐνταῦθα βοῶσιν τε καὶ καλοῦσιν . . . ("Therein they shout and call," et cetera). If this were true, there might be good reason to believe that the Rabbis were aware of the Greek text of Plato. However, *מַצְפִּיעַ* corresponds neither to the Greek *βοᾶν* nor to *καλεῖν*. The Hebrew word usually means to chirp, to whistle. One may wonder at the chirping and the whistling of the intermediate group in Hell, but it is certainly not explained by the Greek text of Plato. The correct meaning of the word *מַצְפִּיעַ* in this context was first established by C. Yallon,²⁰ who proved it to coincide with that of *שִׁפֵּט* ("sing"): the intermediate group will not be consumed by the fire of Hell but will be only *singed* by the flames, to give them, as it were, some taste of Hell. It has therefore nothing to do with the Greek text of Plato.

Baer further states²¹ to have found "clear proof" to the effect that the Greek term *νόμος ἄγραφος* ("unwritten law") used by the Greek philosophers and Philo to mean the Divine natural law, occurs in the Talmud. If this were true, we would be compelled to admit clear evidence in this case of a Greek philosophic term. For although the Rabbis were aware of natural law,²² the designation of this law by the Greek term *νόμος ἄγραφος* is very strange in the mouth of a Rabbi. Let us therefore quote the text:²³ "Rabbi Ele'azar said *παρὰ βασιλέως ὁ νόμος ἄγραφος*.²⁴ Ordinarily, when a human king issues a decree, if he chooses, he obeys it, otherwise [only] others obey it; but when the Holy One, blessed be He, issues a decree, He is the first to obey it." This is the verbatim translation from the Hebrew, and its sense is quite clear: a human king obeys his own laws only when he chooses to do so, while God always obeys His own laws. Hence the Greek phrase can only mean: The law is not written for the king; that is, on the king the law is not binding.²⁵ This is how the passage has been uniformly understood by medieval authorities and modern scholars. A Greek contemporary of our Rabbi quoted the proverb: *μωρῶ καὶ*

19. הבטרי מצפיעין אינו מובן אלא על יסוד הנוסח הידני.

20. See S. Lieberman, *Tosefeth Rishonim* (Jerusalem, 1937-39), II, 161.

21. *Shyon* 21:28.

22. See, for example, BT *Erubin* 100b.

23. PT *Rosh Hashanah* I, 3, 57b. The correct reading is available in *The Yerushalmi Fragments from the Genizah*, ed. L. Ginzberg (New York, 1909), p. 145.

24. The Greek words are in Hebrew characters in the original text.

25. See S. Lieberman, *Greek in Jewish Palestine* (New York, 1942), p. 144, n. 2.

βασιλεῖ νόμος ἄγραφος²⁶ ("On the fool and the king the law is not binding.") The existence of such a Greek proverb justifies the use of Greek by the Rabbi. Baer, however, renders the statement in the Palestinian Talmud as follows: *παρὰ βασιλέως ὁ νόμος ἄγραφος*—"From the King, the King of the world, emanates the unwritten law.") He explains the Hebrew text in these words: "The laws of the emperor are transitory, and their fulfillment depends on the arbitrary will of a human being, whereas the laws of the true King, the King of the universe, are first fulfilled by God himself, who sustains and preserves everything, and the true worshiper has but to follow His ways." There is nothing in the Rabbinic text to suggest this noble sentiment in sermonizing or to justify this kind of translation and interpretation. Professor Baer mentions in a note that the usual explanation of the Greek sentence is not in accordance with the rules of Greek grammar, for *παρὰ* with the genitive case means "from" and not "on." Obviously, he follows the routine method of modern research in ancient Hebrew or Aramaic texts. Granted, however, that *παρὰ* was never used in this sense in Greek, we have no right to distort the simple meaning of the sentence on the basis of Greek grammar. In our case we have before us a Babylonian Rabbi who immigrated to Palestine at a mature age, and it does not irk us at all if we suppose that he did not make proper use of the grammatical cases of nouns, and said *παρὰ βασιλέως* instead of *παρὰ βασιλεῖ*.²⁷ Whoever is familiar with Greek inscriptions in the East knows that such grammatical mistakes are found by the dozens, and nobody alters the meaning of the inscriptions in order to squeeze them into the frame of Greek grammar. There is absolutely no evidence for the use of the philosophic term *νόμος ἄγραφος* in Rabbinic literature, and there is certainly no "clear proof" to that effect.

From among the famous Greek philosophers only two names are mentioned, namely: Epicurus and Oenomaus of Gadara.²⁸ The Rabbis maintained:²⁹ "No philosophers like Balaam the son of Be'or and Oenomaus of Gadara ever existed among the nations of the world." In the minds of the Rabbis, Oenomaus of Gadara was the greatest Gentile philosopher of all

26. *Ibid.*, p. 38, n. 51.

27. Incidentally, our Rabbi is not alone in this mistake in Greek grammar. Sophocles (a learned Greek) in his *Lexicon*, p. 839, quotes from the *historia* by Nicephorus of Constantinople *παρὰ Ῥωμαίων* as "apud Romanos" (= *παρὰ Ῥωμαίοις*). I checked the reference and found that Sophocles was not exact in his translation, but our Rabbi is at least in good Greek company.

28. An orator and Cynic philosopher of the second century.

29. *Bereshith Rabba* LXVIII, 20 (ed. J. Theodor and C. Albeck, Berlin, 1912-36), p. 734.

ages! Of course, this may only mean that in their eyes he was the only true monotheist and sympathizer with the laws of Moses, and therein lay his true greatness. Nevertheless, the fact remains that the ancient Rabbis never mention Plato, or Aristotle, or some of the famous Stoics. The only Greek philosopher of the pre-Christian era mentioned by name is Epicurus.³⁰ He served as the symbol of heresy.

We read in *Midrash Tehilim* (ed. Buber, I, 22): "Those are the hefetics who say that the universe is an *automaton*."³¹ The word *automaton* is not found anywhere else in Rabbinic literature, and the Rabbis probably heard that the Epicureans said: τὸν κόσμον αὐτόματον εἶναι. Or, as Josephus puts it:³² ἀφρόνιστον τὸν κόσμον αὐτομάτως φέρεσθαι λέγουσιν.³³ ("They say that the world moves automatically and uncared for.") Epicurus was chosen as a symbol of heresy not only because of his immense popularity but also because of the particular danger inherent in his philosophy. Complete atheism was not fashionable in the first centuries of the Christian Era, and polytheism was not too difficult to combat. The Epicurean doctrine that the gods care about nothing and nobody, thereby denying reward and punishment for men's actions, was regarded by the Rabbis as worse than atheism. We have noted above that Josephus too chose Epicurus as the target for his attack on the heretics. There is, however, no evidence that the Rabbis knew about the teaching of Epicurus more than the current general phrases.

In the Palestinian Talmud³⁴ we read: "And he who destroys whatever is given to him is [perhaps] a קינוקוס (κυνικός)." A general impression of the cynic philosophy was probably conveyed to the Rabbis through personal contact with these eccentric teachers who so much aroused the curiosity of the populace.

Professor Harry A. Wolfson declared (*Philo*, I, 92) that he was not able to discover any Greek philosophic term in Rabbinic literature. I want to state more positively: Greek philosophic terms are absent from the entire ancient Rabbinic literature. Such phrases as "the world is an αὐτόματον"

30. See S. Krauss, *Griechische und lateinische Lehnwörter in Talmud Midrasch und Targum* (Berlin, 1898-99), p. 107, s.v. אסיקורוס.

31. אסיקורוס read: שומעם [א], or, as Rabbi Benjamin Mussafia had it in his manuscript: אסומטוס.

32. *Ant.* X, end, 278. Dr. Gershon Cohen drew my attention to Dr. Menachem Stein's דת ודעת (Krakow, 1938), p. 46. Dr. Stein anticipated me with regard to the association of the passages in Midrash and Josephus.

33. Cf. the quotation from Hippolytus in H. Usener's *Epicurea* (Leipzig, 1887), 359, p. 240.

34. *Gittin* VII, 1, 48c. The parallel passage in PT *Terumoth* I, 1, 40b is corrupted in our editions, but Cod. Rome reads correctly: קינוקוס, κυνικός.

have, of course, nothing to do with Greek literary philosophic terminology. A sentence like this was picked up by mere hearsay. The Rabbinic use of the Greek word *κυνικός* has no more significance than the word *φιλόσοφος* used by the Rabbis.

The Rabbis drew their information from personal conversations with philosophers and other intelligent people. The Talmuds and the Midrashim frequently mention such intercourse between the Rabbis and men whom they styled "philosophers." It is reasonable to assume that there were many learned Jews among the upper classes of Jewish Palestine who communicated some of the Greek doctrines to the Rabbis. We should bear in mind that in the third century C.E. there was at least one synagogue in Palestine (in Caesarea) where the *Shema*^c was recited in Greek,³⁵ which indicates that Greek was the spoken language of the Jews resident in that locality. We likewise know that some Rabbis often visited Greek-speaking communities outside of Palestine, and engaged in learned discussions there. It appears that Alexandria in Egypt supplied to the Rabbis a constant source of information about Greek wisdom, as has been observed by various scholars. I have written elsewhere³⁶ about the influence of the Alexandrians on the Palestinian Rabbis. We have explicit evidence and direct testimony concerning halakhic dialectics coming from Alexandria in the form of puzzle problems posed to Rabbi Joshua.³⁷ These problems were subsequently embodied in the Tannaitic literature.³⁸

It is noteworthy that the main body of the entire tractate of the Mishnah of קנים ("Nests") consists of difficult puzzle problems, and the author of this tractate is none other than the same Rabbi Joshua.³⁹ Again, we have puzzle problems in a *baraita* quoted in the Babylonian Talmud *Niddah* (54a), and once more its author is the same Rabbi Joshua, as is evident from the Mishnah (*ibid.*, VI, end). The Rabbis were aware of the peculiarity of these two sources, קנים and פתחי נדה and they remarked to this effect:⁴⁰ "[The problems of] קנים and פתחי נדה are the essentials of the *halakhoth*, but astronomic calculations and גימטריא [that is,

35. Sée Lieberman, *Greek in Jewish Palestine*, p. 30.

36. *Proceedings of the Rabbinical Assembly in America* 12:273ff. (1949).

37. Tosefta *Nega'im*, end, BT *Niddah* 69b.

38. Mishnah *Nega'im*, end; *Sifre Zuta*, ed. Horowitz, p. 305.

39. See BT *Zebahim* 67b. Cf. also the puzzle problem in the Mishnah *Nazir* VIII, 1 (a problem similar to that raised in Alexandria); again the author is Rabbi Joshua, as is clearly stated in the Mishnah.

40. Mishnah *Aboth* III, end.

γεωμετρία, manipulation with numbers]⁴¹ are aftercourses of wisdom." This is to my mind the only simple meaning of that statement. The Rabbis felt that puzzle problems were not the regular genre of Tannaitic literature, and that they appeared at first glance similar to the calculations and manipulations with numbers. Nevertheless, these particular problems, קנים נדה dealt with law and were therefore "essentials," as Rabbi Joshua himself expresses it in his comment on a halakhic puzzle posed by the Alexandrians: This is a דבר חכמה⁴² which may be formulated: This is halakhah.⁴³ In contradistinction to it, תקופות ונימטריית, are only פרפראות לחכמה, aftercourses of wisdom.

In our opinion it is legitimate to draw parallels between Rabbinic dialectics and the dialectics of the non-Jewish law schools. Whereas we have no Greek philosophic terminology in Rabbinic literature, the situation is quite different with regard to Greek and Latin legal terms, as we shall presently try to demonstrate. Rabbinic books are full of Greek words. Many of them became part and parcel of the Aramaic language as a result of the practical contact in life between Jew and Gentile. From the newly discovered Bar Kozba Aramaic letters and the recently published copper scrolls we learn that Greek words which occur only once or do not appear at all in Rabbinic literature were common in the Aramaic and Hebrew of Jewish Palestine. In other words, we have good reason to suppose that the Aramaic spoken by the Jews included more Greek words than those preserved in Rabbinic writings. Certain elements of most of the Greek sciences of that time were known to the Rabbis in Palestine, and the formulations and the definitions in natural sciences are very similar to those of the Greek scholars.⁴⁴ But here again there is no evidence for Rabbinic quotations from first-hand sources; all their information may have been derived from secondary sources.

The situation is quite different when we turn to the Oriental-Hellenistic law which was prevalent in the Mediterranean basin in the time of the Mishnah and the Palestinian Talmud. The Rabbis had a special interest in first-hand knowledge of that law. They themselves sometimes had to resort to this law in cases when two Gentiles,⁴⁵ or a Jew and a Gentile,

41. See S. Lieberman, *Hellenism in Jewish Palestine* (New York, 1950), p. 69, n. 173.

42. Tosefta *Nega'im*, end.

43. On the identity of *hokhmah* and *halakhah* (in many cases) see Professor L. Ginzburg's comment in פירושים וחידושים לירושלמי, IV, 19-31.

44. See Lieberman, *Hellenism in Jewish Palestine*, pp. 180ff.

45. PT *Baba Kamma* IV, 1, 4b.

agreed to be judged by a Rabbinic court.⁴⁶ Actually, the Rabbis taught that the Gentiles were under a Divine Commandment to follow a system of laws of their own.⁴⁷ The Rabbis would recognize only those Gentile laws as valid among non-Jews even under Rabbinic jurisdiction in a sovereign Jewish state. They recognized their law of *divortium* when given by the husband and the *repudium* given by the woman when she sued for divorce.⁴⁸ It is almost impossible to assume that the Rabbis would not be anxious to claim first-hand information about the ethics and the justice of the law applied by the Gentile courts of the time. In their interpretation of the Bible they sometimes made good use of their acquaintance with the Gentile law. Thus, for example, according to Rabbinic tradition Pharaoh did not inflict any harm on the matriarch Sarah. Why, then, did the Lord plague Pharaoh with great plagues (Genesis 12:7)? A Rabbi of the third century answered (PT *Kethuboth* VII, end, 31d): על דטולמיסן למנע במטמ דמטרתה. Except for the word למנע the whole sentence is in Greek: "Because he ἐτόλμησε ματρώνης σώματος ἄψασθαι" ("Because he dared to seize the body of a matron.") I have shown elsewhere⁴⁹ that the Greek sentence is a verbatim quotation from a law book which forbids seizing a matron for unpaid debts. The penalty for such seizure is corporal punishment. Consequently, Pharaoh was justly punished in full accordance with the Gentile law prevalent in Egypt in Rabbinic times. As pointed out above, the Rabbis maintain that the Gentiles must obey their own laws, and if they transgress them, they are subject to the penalties imposed by their law. The Talmud did not even bother to translate the Greek sentence, or to elaborate on it; its meaning and its implication were evidently well known.

Again Plutarch in his *Quaestiones Romanae* (30) states: "The Jurists employ the names of Gaius Seius and Lucius Titius [as fictitious names], and the philosophers speak of Dion and Theon." Similarly, whenever the Palestinian Rabbis want to use fictitious Gentile names, they cite the names of Gaius and Lucius.⁵⁰ They never mention the names of Dion and Theon.

46. *Sifre*, Deut., sect. 16; BT *Baba Kamma* 113a.

47. *Tosefta 'Abodah Zarah* VIII (IX), 4 (ed. Zuckermann), p. 473, line 13; BT *Sanhedrin* 56a, 56b, and parallels. Cf. PT *Kiddushin* I, 1, 58c.

48. *Bereshith Rabba* XVIII, 5 (ed. Theodor), p. 166; PT *Kiddushin* I, 1, 58c (according to Cod. Leiden). The text as well as the whole problem was finally illuminated by Professor Boaz Cohen in the *Proceedings of the American Academy for Jewish Research* 21: 10ff. (1952).

49. *Greek in Jewish Palestine*, p. 42ff.

50. PT *Terumoth* X, 7, 47b; *Gittin* I, 1, 43b; *Pesikta Rabbathi* XXI (ed. Friedmann), 107b. Cf. S. Lieberman in *Mélange Grégoire* (Brussels, 1949), p. 412.

The concern of the Jews with Gentile law predominant in Palestine is self-understood. The people had a vested interest in it. The procedure in the courts was a daily occurrence. The inhabitants listened to the speeches of the rhetors, and the art of rhetorics had a practical value. It is no wonder that certain methods of the legal *progymnasmata* (exercises) in the Gentile law schools were also adopted by the Rabbis. At the very back door of Palestine, in Beirut, a famous law school was established in the beginning of the third century C.E.⁵¹ True, the language of instruction in that school was Latin,⁵² a language with which Palestinian Jews were not familiar; but the very existence of such a famous school near Palestine undoubtedly stimulated legal science among the intellectuals of that country. The interest of the Rabbis in the ethical doctrines of the middle and later Stoa was an additional factor in exciting their curiosity about the application of those principles to practical law.

The result was that the Rabbis did not criticize the justice of the Hellenistic or the Roman laws per se but condemned the cruelties in capital punishment, the legal procedure in practice, the catch questions, the forced confessions, bribes, and so on.⁵³ The Rabbis did not belittle the wisdom of the Gentiles; they said:⁵⁴ "If you are told that there is wisdom among the Gentiles, believe it." But they censured the behavior and practices of the pagans. Two special chapters in *Tosefta Shabbath* (VI-VII) are devoted to the description of heathen superstitions. We find there a long catalogue of Oriental, Greek, and Roman superstitions which were forbidden to the Jews. The Rabbis did not exaggerate. Greek and Latin literature corroborates the evidence offered by the Rabbis in this respect.

Mutual criticism was current among all nations. Only the nations of the extreme North, the people at the end of the inhabited world (ἔσχατοι ἀνδρῶν), were idealized by the ancient writers. These nations were no competitors in any way. The mutual abuse among the several nations should not be taken too seriously. However, it was the special misfortune of the Jews that many learned Greek and Roman writers condemned their laws and invented fantastic stories about their ritual, practices, and customs.⁵⁵ These calumnies and the false charges brought against the Jews were not

51. See Paul Collinet, *Historie de l'école de droit de Beyrouth* (Paris, 1925), pp. 17ff.

52. *Ibid.*, pp. 26ff.

53. See S. Lieberman, "Roman Legal Institutions in Early Rabbinics and in the *Acta Martyrum*," *JQR* 35:13ff. (1944).

54. *Midrash Ekha Rabba* II, 9 (ed. Buber), p. 114.

55. A situation which the Christians of antiquity shared with them.

only a product of ill will but partly the result of gross ignorance of Judaism. The Jews knew much more about the Greeks and Romans than the latter knew about them.

To summarize: We do not know exactly how much Greek the Rabbis knew. They probably did not read Plato and certainly not the pre-Socratic philosophers. Their main interest was centered in Gentile legal studies and their methods of rhetoric. But the Rabbis knew enough Greek to prevent them from telling stories about Greek principles and their civil laws. Jewish opinion on the non-Jewish world was the product of knowledge and not of ignorance, and this knowledge was undoubtedly a great asset.

APPENDIX

In the preceding study we have avoided mentioning Gnostic "philosophy" and the relation of the Rabbis to it. There is no doubt that the Gnostics made good use of the Greek classics and their interpretation of Greek mythology.¹ But can we seriously consider their teaching as something similar to Greek philosophy? With his usual lucidity Professor H. A. Wolfson has demonstrated² the character of the "philosophy" of the Gnostics.³ The newly discovered Gnostic writings at Chenoboskion do not alter the main conclusions arrived at by Wolfson. However, our previous discussion may seem incomplete if we entirely ignore this branch of "philosophy" and the Rabbinic reaction to it. Nonsense is nonsense, but the history of nonsense is a very important science. In certain respects it is more revealing than the history of sciences based on reason.

It is now evident that the Rabbis were aware of the Gnostic teachings.⁴ There can also be no doubt that in many cases the *Minim* mentioned in Rabbinic literature designate Gnostics.⁵ However, no direct allusions to the maxims of the Gnostics (except generalities of their theology) were ever identified in Rabbinic literature. But I believe that such allusions do exist.

1. See J. Doresse, *The Secret Books of the Egyptian Gnostics* (New York, 1960), pp. 190ff.

2. *The Philosophy of the Church Fathers* (Cambridge, Mass., 1956), I, 559ff.

3. Esp. *ibid.*, p. 574.

4. See G. Scholem, *Major Trends in Jewish Mysticism* (New York, 1946), pp. 40ff. and Index, s.v. Jewish Gnosticism, and, especially, his recent excellent book *Jewish Gnosticism, Merkabah Mysticism and Talmudic Tradition*, (New York, 1960), pp. 9ff.

5. See *Major Trends* . . . , p. 359, n. 24.

Let us start with the classic formula of the Gnostics. We read in the so-called *Evangelium Veritatis*:⁶ "He who thus possesses the Gnose knows whence he is come, and where he is going," et cetera.⁷ He also knows "who he is."⁸ In the Gospel according to Thomas,⁹ 55, we read: Jesus says "If people ask you: Where do you come from? Tell them: We have come from the Light, from the place where the Light is produced," et cetera. The meaning is clear:¹⁰ the Gnostic should remember that his essence is derived from the Propator (or the *ἐξουσία, αὐθεντία*, et cetera), and not from the inferior "demiurge." He is descended from light and returns to light.

On the other hand, we read in the Mishnah *Aboth* III, 1: "Aqabiah ben Mahalaleel¹¹ said: "Consider three things and thou wilt not come into the hands of transgression. Know whence thou comest; and whither thou art going; and before whom thou art about to give account and reckoning. Know whence thou comest: from a fetid drop, and whither thou art going: to worm and maggot," et cetera. It is clear that the Rabbi reminds man of the lowly nature of his body, of the virtue of humility and the fear of the Lord. There is no inner contradiction between the formula of the Gnostics per se and that of the Rabbis. And indeed the medieval Rabbinic commentaries remarked¹² that one may ask also about the soul: "Whence comest thou?" and answer: "Hewn from the Throne of Glory"; and ask: "Whither art thou going?" and answer: "Returning to God whence the soul was taken," et cetera. They, of course, need not have been aware of the teaching of the Gnostics.¹³

6. 22, 13ff. (ed. Malinine, Puech and Quispel, 1956).

7. *Ibid.*, p. 54, see the editors' note, and the excellent discussion by A. D. Nock in *The Journal of Theological Studies*, N.S., vol. 9, 2 (1958), pp. 322ff. Cf. also the quotation from *Sophia of Jesus* by Doresse, *The Secret Books of Egyptian Gnostics*, p. 200.

8. See Irenaeus, *Adv. haer.*, I, 21, 5, and cf. *Eranos-Jahrbuch* 20:100 (1951), referred to by Nock, *Journal of Theological Studies*, N.S., 9, 2:322ff.

9. Doresse, *The Secret Books of Egyptian Gnostics*, p. 363.

10. See Irenaeus, *Adv. haer.*, I, 21, 5.

11. Flourished around the beginning of the first century.

12. According to מנחם חרשה, א, 1, 28a.

13. The several groups took this maxim in the different senses which conformed to their own teachings. Kaminka (מחקרים, p. 50) called attention to Seneca, *Epist.*, 82 (6), who said: *sciat quo iturus sit, unde ortus*, etc. "Let (a man) know whither he is going and whence he came," etc. It is indeed verbally the Rabbinic saying, but I doubt that it had the same meaning. From the context of the letter it appears that Seneca had in mind the nature of things in the philosophic sense, whereas the Rabbis' stress was on "Before Whom thou art about to give account and reckoning." The formula was a classical Stoic phrase, and again, the several groups applied it in their own ways. Cf. also Epictetus, *Dissert.* III. 12.15.

But the minor tract *Derekh Ereṣ Rabba*¹⁴ III records in the name of Ben 'Azai¹⁵ a long discourse on the above-mentioned saying of 'Aqabiah ben Mahalaleel. He declares: "Whence did he come? From a place of darkness; and whither is he going? To a place of darkness and gloom. Whence did he come? From an impure place; and whither is he going? To defile other people,"¹⁶ et cetera. In other words: man does not come from light and does not return to light, but comes from darkness and returns to darkness and gloom. Man does not come from a holy source and does not return to a holy source, but comes from an impure source and goes to defile other people. This obvious elaboration on the Mishnaic source breathes protest and anger. It is a refutation of the Gnostic's fundamental answer to this question.

However, we find in *Aboth de-R. Nathan* II, 32 (ed. Schechter, 35a): Rabbi Simeon ben Ele'azar¹⁷ said: "Whence did he come? From a place of fire, and he returns to a place of fire. And whence did he come? From a place of compression [ממקום לחוץ], and he returns to a place of compression [that is, the grave]. And whence did he come? From a place that nobody can see, and he returns to a place that nobody can see. Whence did he come? From a place of impurity, and when he returns, he defiles other people." It appears that there is an inner contradiction between the first answer of Rabbi Simeon ben Ele'azar and his following answers. Perhaps the text is defective, and the other answers do not belong to that Rabbi. But the first answer is verbatim the answer of the Gnostics, as recorded in the Gospel of Thomas 55, quoted above. It is possible that the Rabbi recorded an old orthodox saying referring to the soul, which the Gnostics appropriated and applied, in their own way, to their own doctrines. But from the subsequent answers in *Aboth de-R. Nathan* as well as from the explicit statements of Ben 'Azai cited above, it is evident that the fundamental question of the Gnostics was well known to the Rabbis of the second century, and they accordingly expressed their reaction to it.

In the light of the preceding we shall be able to understand an obscure passage in the Midrash. We read there:¹⁸ "Simeon ben Zoma¹⁹ was sitting

14. (Ed. Higger), p. 155, and parallels.

15. Flourished in the first half of the second century. He was a close associate of Ben Zoma, and both of them belonged to the school of Rabbinic mystics.

16. Who carry or touch his dead body, or who bend over his grave.

17. Flourished in the second half of the second century.

18. *Bereshith Rabba* II, 4.

19. See above, Note 15.

and meditating when Rabbi Joshua²⁰ passed by and greeted him once and twice but received no reply. The third time he answered hurriedly. Then he asked him: Where do the legs come from? He said: I was contemplating [מעין הייתי]. He [Rabbi Joshua] insisted: I call upon heaven and earth as my witnesses that I will not budge from here until you tell me where the legs are from. He answered: I was contemplating the Story of Creation [מעשה בראשית], and there was only a space of two or three fingers between the upper and lower waters, for it is not written 'And the Spirit of God blew,' but 'hovered' [Genesis 1:2], like a bird flying and flapping with its wings, its wings barely touching [the nest]. Thereupon Rabbi Joshua turned to his disciples and remarked to them: Ben Zoma has gone." This is the literal translation from the *editio princeps*. All the parallel passages²¹ record as the first question of Rabbi Joshua: מאין ולאין (לאין) ("Whence and whither, Ben Zoma?") And thereupon follows the answer: "I was contemplating the Story of Creation," et cetera. The first answer of Ben Zoma and the second question of Rabbi Joshua are missing in all the parallel sources, and it is exactly in the omitted part that the secret of the passage is hidden.

Before explaining the text, let us first establish its correct reading. All the codices in the critical edition by Theodor, page 17, read in Ben Zoma's first answer: לא מאין (מאין) ר'. We may add that an ancient manuscript from the Geniza (overlooked by Theodor), written on a palimpsest, and reproduced by Lewis and Gibson in *Palestinian Syriac Texts*²² (London, 1900), Plate II, also reads לא מאין רבי. In the Soncino translation of this midrash (of the text edited by Theodor) Ben Zoma's answer is rendered: "From nowhere, Rabbi." It is needless to say that לא מאין cannot have this meaning in good Hebrew; its only possible meaning is "nothing from nothing": that is (a human being who is) nothing (coming) from nothing.²³ The significance of the story is fully understood in the light of the classic answer of the Gnostics cited above. When Ben Zoma failed to reply to the greetings of Rabbi Joshua, the latter asked him in complete innocence

20. We have pointed out above, Page 131, that this Rabbi visited Alexandria, where he held learned discussion. We should bear in mind that Christian Gnostics abounded in Egypt, and the Alexandrian Jews were most probably well acquainted with their doctrines.

21. Tosefta *Ḥagigah* II, 6 (ed. S. Lieberman), pp. 381ff.; PT *Ḥagigah* II, 1, 77a bot.; BT *Ḥagigah* 15a.

22. According to the editors, the manuscript is probably of the tenth or eleventh century, see *Palestinian Syriac Texts*, Introduction, p. xii.

23. This application of לא and אין to human beings is found in other Rabbinic sources; see *Debarim Rabba* (ed. Lieberman), p. 119, and n. 2.

whence he was coming seeing that he was so engrossed in his thoughts as not to have noticed the greetings of his teacher. Ben Zoma answered evasively and rhetorically: "Nothing from nothing":²⁴ that is, I am nothing who comes from nothing. Rabbi Joshua did not like this evasive answer; it indicated to him only that Ben Zoma's mind was occupied with questions raised by the Gnostics, pretending as he did that he had not understood the simple question of his teacher. The answer given by Ben Zoma was orthodox, exactly in the spirit of his associate and colleague Ben 'Azai (see above, Note 15), but it betrayed his thoughts. Yet there was no sufficient basis to draw any definite conclusion from Ben Zoma's answer. Rabbi Joshua therefore repeated his question and said: "I will not budge from here until you tell me where the legs are from": that is, I want a direct answer to my question. After Ben Zoma answered what he answered, Rabbi Joshua turned to his pupils and said: "Ben Zoma has gone." It is not quite clear what was wrong with Ben Zoma's answer.²⁵ It appears from the context that Ben Zoma was talking about the Spirit hovering between the upper and lower waters,²⁶ and that there was a very small interval between the waters. The Sethian Gnostics taught:²⁷ "The Light is on high and the Darkness below, and the Breath between the two. This Breath which is between the Darkness which is below the Light which is on high is not a Breath like a gust of wind nor a gentle breeze . . . but it is like a perfume exhaled from an ointment, or a wisely compounded incense," et cetera. We learn from here that the Gnostics engaged in speculations about the nature of the Spirit hovering between the upper and lower waters. We now understand why Rabbi Joshua did not like Ben Zoma's second answer. The former's suspicions were strengthened by the latter's first answer which betrayed his preoccupation with the question: "Who am I, and whence do I come?"

24. A good Epicurean phrase: οὐδὲν γίνεσθαι ἐκ τοῦ μὴ οὐτος (*Epist. ad Herodotum*, 38; Usener, p. 5); "gigni de nihilo nihilum, in nihilum nil posse reverti," see the commentary of C. Bailey on Lucretius (*De rer. nat.* I, 150), II (Oxford, 1947), 624ff., 636. Cf. also Marcus Aurelius, *Medit.*, IV, 4. On the medieval Jewish formulation of the corresponding formula, see H. A. Wolfson, "The Kalam Problem . . .," *JQR*, 36:388ff. (1946). The Epicurean phrase was quite current among the writers and intellectuals of antiquity. The twisting of the phrase in a quite different meaning is natural and understandable. This was the usual practice of that time with regard to classical texts, and verses from the Bible shared the same fate.

25. See M. Joel, *Blicke in die Religionsgeschichte . . .*, I, 163ff., and Theodor's note *ad loc.*, p. 18, n. 2.

26. See יתח תאר *ad loc.* Cf. Gen. 1:6-7, Rashi *ad loc.*, and Midrash *Bereshith Rabba* (ed. Theodor), p. 26, line 10, and p. 29.

27. Doresse, *The Secret Books . . .*, p. 150.

Again, we read in the Babylonian Talmud²⁸ in the name of Rabbi Simeon ben Ele'azar:²⁹ "A man should always be careful in the formulation of his answers, for it is from Aaron's answer to Moses that the heretics³⁰ derived their heresy, as it is said: [Exodus 32:24] *And I cast it into the fire, and there came out this calf.*" The statement is very vague, and it is not clear to which heretics the Rabbi refers, nor how they could have derived their heresy from that verse. Rabbi Todros Abulafia³¹ in his *אוצר הכבוד* on *Megilla ad loc.* already associated this passage with a tradition in the Aggada that the Golden Calf was fashioned after the pattern of the calf in the *Merkabah*, which the people saw during their passage through the Red Sea, or on Mount Sinai. This is an old tradition alluded to by Rabbi 'Akiba and his colleagues.³² It appears from the Midrashim that the Golden Calf drew life from the original model, and therefore leaped alive out of the fire. The Gnostics, on the other hand, assert:³³ "The body of this man is fashioned from earth in the image of the high God, a reflection of Whom has just been seen by the Archons in the waters below." And again we read in the Gospel of the Egyptians:³⁴ "The image of the celestial Man is at once reflected in the waters. Sacra [that is, Sacra the demiurge] and his colleagues, in imitation of this, fashion the first human creature."

Now, the saying of Rabbi Simeon ben Ele'azar makes good sense. He claims that the wording of Aaron's reply, "This calf came out," suggests that the calf came out by itself: that is, came out alive.³⁵ Aaron revealed that it came out alive, and this is impossible unless we suppose that Aaron fashioned it in the likeness of the ox in the *Merkabah*; which is indeed the Rabbinic tradition, as mentioned above. This implied meaning of Aaron's reply, the Rabbi contends, gave support to the doctrine of the heretics—that is, the Gnostics—that the first man was created by the demiurge who shaped him after the model in the likeness of the superior

28. *Megilla* 25b. Cf. Tosefta *Megilla* III, 37 (ed. Lieberman), p. 363.

29. See above, Note 17.

30. המינין. This is the reading in all uncensored editions, manuscripts, and Tosefta *locis citatis*.

31. Flourished in the second half of the thirteenth century.

32. See the sources referred to in my Appendix to G. Scholem's *Jewish Gnosticism, Merkabah Mysticism* . . . , p. 122, n. 24.

33. *Hypostasis of the Archons*, according to Doresse, *The Secret Books* . . . , p. 160.

34. Doresse, *The Secret Books* . . . , pp. 178–179.

35. As correctly explained by Rashi 25a, s.v. ומעשה ענין, and corroborated by the Midrashim, see above, Note 32.

God, and consequently he was endowed with life. This belief in the power of the likeness—that the knowledge of the likeness of heavenly beings enables man to penetrate the secrets of creation—is not unorthodox. We read in *Aboth de-R. Nathan* (chap. XXXIX, ed. Schechter, page 116):³⁶ "Because of his sin it is not granted to man to know *what likeness is on high*; and but for that, the keys would have been handed over to him and he might have known *what heaven and earth were created with*."³⁷ Here again the general belief is Rabbinic, but the Gnostics used it for their doctrines.

All the above sources indicate³⁸ that certain basic teachings of the Gnostics were not entirely foreign to the Rabbis, and that the latter had much more information about Gnosticism than was hitherto supposed. However, even in this domain the early Rabbinic literature never mentions a single Greek "philosophic" term used by the Gnostics.

36. Translation by Judah Goldin, p. 161.

37. This differs in purpose and in function from sympathetic magic, although there may be a possible relation between them.

38. Though not of each of them with the same degree of certainty.

THE GUISES AND VICISSITUDES OF
A UNIVERSAL FOLK-BELIEF IN JEWISH
AND GREEK TRADITION

IN FOLKLORE MAN'S shadow forms an integral part of his personality. It is potent enough to exert a magical influence upon whom it falls or with whom it comes in contact. Its loss spells death. Accordingly its lengthening or waning may portend man's waxing strength or debility. This credulity has prevailed the world over. It has been noted in Melanesia, New Guinea, South Africa, Madagascar, Transylvania, Bering Strait, etc.'etc. Its ubiquity is amply attested by Tylor,¹ Frazer,² and other socio-anthropologists.³

¹ E. B. Tylor, *Primitive Culture*, 4th ed. (London, 1903), I, 430-431.

³ See Tylor's and Frazer's bibliographical notices.

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In the records of Greek antiquity, unlike those of the subsequent periods, we apparently find the loss of shadow occurring only in a particular locality. This, however, does not mean that Greek antiquity so intended the restriction. The lack of Greek references to the broader application of this folk-belief should not be construed otherwise than accidental. And besides, far be it from the present writer to claim that he has combed through the vast Greek literature and found no trace of its unqualified mention. It is quite possible that the extensive classical literature has somewhere or somehow attested to its ubiquitous potency.

To be more specific, Greek reports speak about the loss of shadow in the holy of holies. Since these ancient reports show a partial resemblance or definite affinity to several Jewish ancient traditions, both Hellenistic and Rabbinic, we shall, for comparative purposes, carefully scan the available evidence, direct or indirect, on either side, with a view to postulating independence or filiation for the accounts thus scrutinized.

Says Polybius (ca. 204–102 B.C.E.) of Maglopolis: “For I think that to believe things which are not only beyond the limits of probability but beyond those of possibility shows quite a childish simplicity. For instance it is a sign of a blunted intelligence to say that some solid bodies when placed in the light cast no shadow, as Theopompus (born ca. 380 B.C.E.) does when he tells us that those who enter the holy of holies (ἄβατον) of Zeus in Arcadia become shadowless.... In cases indeed where such statements contribute to maintain a feeling of piety to the gods among the common people we must excuse certain writers for reporting marvels and tales of the kind, but we should not tolerate what goes too far.”⁵

Pausanias (2nd century C.E.) has this to say about the weird influences of an area encompassing this very sanctuary of the Lycaean Zeus: “Of the wonders of Mount Lycaeus the greatest is this. There is a precinct of Lycaean Zeus on the mountain and people are not allowed to enter it; but if any one disregards the

⁵ Polybius, *The Histories with an English Translation* by W. R. Paton (London, 1926), V, 25–27, B. XVI, 11 (Loeb Classical Library).

rule and enters, he cannot possibly live more than a year."⁶ Pausanias is both early and truthful enough to merit our fullest confidence for accurately transmitting the information he received. His reports are not figments of his imagination but tales he actually heard from the lips of the inhabitants of the various localities he visited during his extensive travels and which he painstakingly gathered and recorded. And what according to him is true of the precinct as a whole should be true *a fortiori* of the shrine itself which the precinct evidently still contained in the days of Theopompus. We should therefore gather from Pausanias' testimony that perhaps Theopompus too envisaged premature death in the wake of the loss of shadow. Certainly Polybius had this superstition in mind when he warned historians against capitalizing excessively on its edifying effect.

Plutarch (ca. 46-120 C.E.) too informs us that no shadow is cast by a person entering the Lycaeon. He offers several explanations for the strange phenomenon. One of them leans upon Pythagoras' doctrine that the spirits of the dead cast no shadow. And since he who enters the Lycaeon is by law condemned to death, his loss of shadow indicates it accordingly.⁷ Also Hyginus records the tradition about the loss of shadow on sacred ground.⁸ This seemingly brings to a finish the Greek references to it, and all four of them speak of its occurrence on sacred soil only. As already remarked, this does not mean that the man of antiquity limited its incidence to holy environs only. It must be emphasized again and again that envisaging a body bereft of its shadow is deeply imbedded in popular fancy the world over. Its original base of operation must have been infinitely wider than the narrow temple confines and antedates by far its excrescence into them. Its eventual percolation into the sacerdotal sphere can only attest to the vast reaches of its penetrating power. The reason why classical writers have not made its manifestation more extensive can only be due to the fact

⁶ B. VIII, 5 *Pausanias's Description of Greece*, translated with a commentary by J. G. Frazer (London, 1898), I, 424.

⁷ *Moralia, Quaestiones Graecae* 39.

⁸ *Astronomica* II, 1 and 4 (see Frazer, *op. cit.*, IV, 384).

that they are usually inclined to give prominent mention to venerable and ritualistic traditions observed in high places. Unlike modern socio-anthropologists they would not condescend to pry into every nook and corner of idle superstition, whether operating inside or outside the realm of religion.

As for Jewish antiquity it is even less articulate about the uncanny loss of shadow in holy places than is classical antiquity. But, as will develop hereafter, its silence about it may not be as absolute as it appears. We read in *Lev. Rab.* 21, 12: "In the year in which Simeon the Just was to die he told them [the circle of his friends] that he would die that year. Said they to him: 'How do you know this?' Replied he: 'Every year there joined me an old man dressed in white and wrapped in white. He would come in with me and go out with me, but this year he entered with me but did not go out with me.' R. Abbahu said: 'And who would say that he was a man? But this can only be construed in consonance with R. Simon's statement: When the Holy Spirit rested upon Phineas, his face flamed like torches about him. Hence it is written: 'For the priest's lips should preserve knowledge... for he is the angel of the Lord of hosts'" (Mal. 11:7).⁹

In the light of the Greek sources, we are more than tempted to construe the "old man" here as a surrogate for "shadow." It would not be so easy for an old man to disappear as he did, unless he was somehow unreal to begin with. And he could certainly not be a hallucination, for a hallucination would hardly persist as a regularly recurrent phenomenon in the course of a lifetime. It is best then to make him out as a metaphor for shadow, which in the Greek accounts also disappears on holy grounds and with a virtually identical foreboding, for Simeon's prediction: *בשנה זו הוא מת* as good as coincides with the one recorded by Pausanias, viz. "he cannot possibly live more than one year."

In other words, Simeon the Just, by saying what he said, intimated to the congregation that the last time he officiated he noticed his shadow only when he entered the holy of holies, but not when he

⁹ This passage in longer or shorter form or with greater or lesser variations is found also in *Tos. Sofah* 13, 8; *P. Yoma*, 5, 2; *Yoma* 39 b and *Menahot* 109 b.

left it. The question as to why he chose to personify his shadow as he did and bewilder his audience with such an odd image of premonition cannot be answered with absolute certainty. But it stands to reason that having become an old man himself he called his reflection "old man." But why not call a spade a spade and a shade a shade? Probably because he endeavored to judaize the universal צל tradition in the following fashion: Rightly or wrongly he perhaps thought of צלם מעליהם in צלם (Num. 14:9), taking it to mean "their own shadow," and thus using it as a lever for the veritable riddle he propounded to the congregation and thus by the way anticipating by many centuries one of Nahmanides' interpretations of the phrase.^{9a} Next instead of filling in the silhouette with black, as we would naturally expect him to do, he filled it with white, viz., זקן אחד לבוש לבנים ועטוף לבנים and this because of two reasons. First, because, as already remarked by the commentator מהרז"ר he had in mind חור לבושה כתלג חור (Dan. 7:9), and secondly because he was thinking of his own white garments which he wore in the holy of holies. Cf. ופשט את הביאו לו בגדי לבן ולבש (Lev. 16:29), בגדי הכהן אשר לבש בבואו אל הקדש (M. Yoma 7, 4) and בדברים הנעשים בפנים בבגדי לבן (Tos. Yoma 4, 6). In other words, Simeon was quite conscious of his substituting the "old man" for his own shadow at the very time he was eager to see in the shadow a symbol of protection with which he was graced by God, and which in itself was godlike. Hence even more than Dan 7:9, Ps. 121:5 must have inspired his cryptic pronouncement, to wit ה' שומרך ה' צלך על יד ימינך. What effectively strengthens the supposition that Ps. 121:5 is to be linked to Simeon's pronouncement is that Ps. 121:5 finds its congener in the concluding verse of the same Song of Ascents, to wit: ה' ישמר צאתך ובואך (v. 8). This is to say that Simeon the High Priest very adroitly applied the benign dispensation of v. 8 to his auspicious entering and leaving the holy of holies on the Day of Atonement. All the more so is this supposition probable when we realize that the verse that follows it ends with בית ה' נלך (Ps. 122:1). Indeed not only the first verse of this Psalm but also its last verse, viz.,

^{9a} See below, note 29.

[illegible]

on the Songs of Ascents while officiating in the holy of holies. It seems that R. Abbahu, a Palestinian Amora of about 279-320 C.E., had all this in mind when he tried to allay the fears of his interrogators about the contradiction which the surface-meaning of Simeon's pronouncement might set up to Lev. 16:17. The text turns as follows *ויהי באתר מזהב מזהב מזהב מזהב* (Lev. 16:17) *ויהי באתר מזהב מזהב מזהב מזהב* (Ezek 1:10) *ויהי באתר מזהב מזהב מזהב מזהב* (P. Yoma 5, 3) R. Abbahu's interrogators evidently thought that Simeon's pronouncement would run in the teeth of the well-attested tradition that the angels, then cleared out of the Temple in deference to the High Priest, to wit: (Lev. 16:17) *ויהי באתר מזהב מזהב מזהב מזהב* (Ezek. 1:10) *ויהי באתר מזהב מזהב מזהב מזהב* (Pesiq. Rab. 47). It is true that Simeon's pronouncement, R. Abbahu's interpretation thereof and the objections of his interrogators do not contain the materials we adduced for the elucidation of their statements, but all three sides may well be relied upon to have made the most of Biblical as well as post-Biblical texts for propping their utterances. Their assertions must have been much fuller in their nascent state and probably ran along the lines we have indicated. Accidental mishaps and conditions otherwise

לר' אלתר אבקה סור לר' (v. 9) must have been first and foremost in Simeon's mind when he officiated in the holy of holies. For it is to be concluded from *Tos. Soiah* 3, 5 that a short but specific prayer for the welfare of the Temple was part of the High Priest's routine liturgy on the Day of Atonement. In fact, it is said that no other than Simeon himself once amplified that prayer and was chided for it (*P. Yoma* 5, 3).¹⁰ And last but not least mention should be made of the fact that the priests actually recited a Song of Ascents to the High Priest on Yom Kippur night, viz. *אֲשֶׁר בָּרַךְ יְיָ אֱלֹהֵינוּ בְּכָל יְמֵי חַיֵּינוּ* (Ps. 127; cf. *Tos. Yoma* 1, 9). This must have greatly predisposed Simeon to meditate pensively

adverse to their preservation must have truncated them through the ages. There are many examples of such incompletely preserved statements in Rabbinic literature.¹¹

There are several discrepancies in the statements R. Abbahu. We shall deal with them presently, but before discussing them we must, for their proper understanding, quote several Philonic passages that portray the uplifted personality of the High Priest when officiating in the innermost shrine. These have not only an important bearing on the subject as a whole, but are also highly relevant to R. Abbahu's utterance which we are about to take up again.

As in Rabbinic literature, we also find passages in Philo, which are highly reminiscent of the Polybius report. However, unlike the latter and quite like the former, Philo makes no explicit mention in them of the loss of shadow. To quote Philo:

1. "'For when the High Priest enters the holy of holies he shall not be a man' (Lev. 16:17). Who then, if he is not a man? A God? I will not say so . . . Yet not a man either, but one contiguous with both extremes" (*De Somniis* 11, 189).

2. "'When he enters,' it says, 'into the holy of holies, he will not be a man until he comes out' (Lev. 16:17). And if he then becomes no man, clearly neither is he God, but God's minister, through the mortal in him in affinity with creation, through the immortal with the uncreated, and he retains this midway place until he

¹¹ To cite but two of them: ומי חדי הקב"ה במסלתן של רשעים הא כתיב בצאת (II Chr. 20:21) וא"ר יוחנן מפני מה לפני החלוצין ואומרים הודו לה' כי לעולם חסדו (II Chr. 20:21) וא"ר יוחנן מפני מה לא נאמר 'כי טוב' בהודאה זו, שאין הקב"ה שמה במסלתן של רשעים ואמר רבי יוחנן מאי דכתיב ולא קרב זה אל זה כל הלילה (Exod. 14:20) ביקשו מלאכי השרת (Megillah 10b). לומר שירה אמר הקב"ה מעשי ידי טובעים בים ואתם אומרים שירה (Isa. 29:25) ברוך עמי מצרים ומעשי ידי אשור has clearly emboldened the Rabbis to label here the Egyptians as they did. עמי would be altogether inconsistent to use under the circumstances, so at least they affixed to the Egyptians the extravagant, if not preposterous honorific of their fellow — רשעים, the Assyrians. Cf. also מעשה ידי כלם: רגע ימותו וחצות לילה יעששו עם ויעבורו (Job 34:20-21), where מעשה ידי might allude to Egypt directly. Similarly לעת צאת השואבות (Gen. 24:11) א"ר הווא בשעה שאדם הולך לוקח אשה ושמע לעת צאת השואבות (Gen. Rab. 59, 12) קל' כלביא מנבחים הוא מציינת מה אינן אמרין (Ps. 59:7) ישובו לערב יהמו ככלב ויסובבו עיר מציינת — צאת and ישובו וכי foreshadowing.

comes out again to the realm of body and flesh" (*ibid.* 231–2).¹²

3. "Would you not agree that the High Priest whose heart is not perfect is both inside and outside, when he is performing the ancestral rites in the inmost shrine; inside in his visible body, outside in his wandering vagrant soul; and on the contrary that one who loves and is loved by God, even if he is not of the consecrated line, though he stands outside the sacred limits abides right inside them?" (*Heres*, 82),

4. "Again, according to Moses, the priest when he goes into the holy of holies 'will not be a man until he comes out' (Lev. 16:17); no man, that is, in the movements of his soul though in the bodily sense he is still a man. For when the mind is ministering to God in purity, it is not human, it turns its course and descending from heaven, or rather falling to earth, comes forth, even though his body still remains within" (*ibid.* 84).

5. "Do you not see that Abraham, when he had 'forsaken land and kindred and his father's house,' i.e. the body, sense, and speech (Gen. 12:1), begins to meet with the powers of Him that is? For when he has gone out from all his house, the Law says that God appeared to him (cf. Gen. 12:7), showing that He clearly manifests Himself to him that escapes from things mortal and mounts up into a soul free from the encumbrance of this body of ours. So Moses 'taking his tent sets it up outside the camp' (Exod. 33:7), and places its abode far from the bodily encampment, expecting that only thus might he become a perfect suppliant and worshipper of God" (*Deterius*, 159–60).

6. "For it is not possible that he whose abode is in the body and the mortal race should attain to being with God; this is possible only for him whom God rescues out of the prison. For this reason Isaac also, the soul's gladness, when he meditates and is alone with God, goes forth, quitting himself and his own mind; for it

¹² Colson's note *ad loc.* is: "The repetition of this text in the same treatise in two different interpretations, in § 189 of the *Logos*, here of the Perfect Man, is unusual, if not unprecedented." All the Philo quotations are drawn from *Philo*, translated by Colson and Whitaker, 9 vols, (London 1949–54), (Loeb Classical Library). Cf. also H. A. Wolfson, *Philo* (Cambridge, 1948), I, 259–60.

says (Gen. 24:63), 'Isaac went forth into the plain to meditate as evening was drawing near' " (*Legum Allegoriae*, III, 42-43).

In the above passages Philo characterizes the pious High Priest as a hypostasis midway between God and man or as a disembodied soul or as a transsubstantiated entity or, with less exaggeration, simply as a person who lifts himself from carnal depths to spiritual heights. Shall we say that these passages, when stripped of their philosophic floridness, betray the influence of the Greek folk-belief? Again this question is easier to raise than to answer. Let us explore the situation. Philo may have grounded his homilies on the Polybius report or on that of the latter's quoted authority Theopompus or on yet another Greek source or sources unknown to us and which may have also been the sources of Hyginus,^{12a} Plutarch^{12b} and Pausanias^{12c} that echo the Polybius citation. Indeed it is quite likely that Philo was acquainted with the works of Polybius. Josephus quotes Polybius to the effect that Antiochus Epiphanes had no just cause for ravaging the Temple and that he only came there when he wanted money (*Contra Apionem* B, 11, 7). Now, if Josephus read Polybius, it stands to reason that the more cultured Philo also read him. As a Jew certainly his attention would be drawn to the same vital passage Josephus has quoted and, once familiar with it, he would attempt to widen his familiarity with the Greek historian in the hope of finding additional bits of valuable information.

But at the same time we cannot fail to notice that while Theopompus (or Polybius) may or may not have contemplated the supposed disembodiment of the entrant into the inner shrine, Philo most assuredly did in some parts of his presentation, not only that, but when he states that the beloved of God "though he stands outside the sacred limits abides right inside them" (*Heres*, 82), he not only accords to the righteous High Priest a sublimated status when ministering in the holy of holies on the Day of Atonement (or *mutatis mutandis* to Abraham, Isaac and Moses), but does so to any God-fearing man, and that too at any place on earth and perennially so. Perhaps the very logic of his discourse

^{12a} See above, note 8. ^{12b} See above, note 7. ^{12c} See above, note 6.

impelled him to drift away from the pristine moorings of the folk-belief. Surely the virtuous soul needs no special mundane location or an auspicious day to insure its disembodiment. By the same token Philo may have obviated the necessity of featuring the loss of shadow in his homilies. If there is no body, there is no need to involve the loss-of-shadow feature in the homily, even if the High Priest is only bodiless after a fashion. And, besides, did not Pythagoras say that the spirits of the dead cast no shadow,^{12d} and Pythagoras was no mean philosopher. And though the soul of the High Priest was disembodied, while he was still alive, it was still in a sense denuded.

In this way Philo may have soothed his philosophic, if not his scientific, conscience, and perhaps, knowingly or unknowingly, placated the critical Polybius who, as noted above, exhorted writers not to go too far in recording marvels of the kind, however fostering the feeling of piety among the common people they may be. In other words, Philo could not adopt the crude facade of the piece of Greek folklore that made the entrant lose his shadow in the *naos*. As a thinker he had to elevate conceptually the folklore theme he was eager to utilize as a basis for his discourse. To achieve this, he rid the tale of the loss-of-shadow component and etherialized the body of the High Priest by dint of philosophic rhetoric.

But against a ready assumption of Philo's dependence on the Greek reports militates the fact that Simeon's declaration is, as we have seen, clearly suggestive of his loss of shadow in the holy of holies. This complicates matters, and we are caught on the horns of a dilemma: Does his declaration hark back to a Hellenic pattern or are its mainsprings native? If the latter is the case, then Philo's homily too could have sprouted from Jewish soil. We shall return to this problem in a while, but to round out all its aspects we must take up again the case of R. Abbahu.

It may be argued with a good measure of plausibility that R. Abbahu was directly or indirectly inspired by Philo's teachings. R. Abbahu knew Greek¹³ and even taught it to his daughters.¹⁴ He visited Alexandria and propounded there a *halakah* to his

^{12d} Cf. above, note 7.

¹³ *Gen. Rab.* 14, 2.

¹⁴ *P. Shab.* 6, 1.

the *Pesiqta*'s own admission, would the angels run away. But if according to R. Abbahu the prohibition has a bearing on the person of the High Priest, how would R. Abbahu explain his presence in the holy of holies? It seems therefore that, in opposition to the tradition of the *Pesiqta*, R. Abbahu upheld R. Simon's rival tradition that implied the possibility of the presence of angels or angelic priests in the holy of holies.

But be all that as it may, R. Abbahu's interpretation of Lev. 16:17, in contrast to the obvious sense of the passage and to any Rabbinic interpretation thereof, does forge a specific link between him and Philo. For like Philo he regards אדם וכר' in וכל אדם וכר' to mean "man" only and the prohibition as prefiguring in consequence the spiritual status of the High Priest in the holy of holies. The application by both sides of this same piece of sophistry to וכל אדם וכר' can hardly be deemed accidental. One, therefore, gains the impression that R. Abbahu made his limited statement in *P. Yoma* 3, 5 before he learned of Philo's interpretation of Lev. 16:17 and added his final remark in *Lev. Rab.* 21, 12 only after he became acquainted with it. It is true that R. Simon's proof from Mal. 2:7 is not found in Philo, but its citation by R. Abbahu can only be regarded as a well-meaning attempt on his part to buttress Philo's interpretation. But his accessory evidence notwithstanding, he still appears basically to be no more than a transmitter of the Philonic homily.

We shall now revert to Simeon the Just. By this time we may thus formulate the question: What was in Simeon's case the provenance of the loss-of-shadow tradition lurking behind his declaration: was it indigenous or was Greece the ultimate place of its origin, as might also be true of R. Abbahu's supplementary statement, if indeed it had been siphoned into Jewish lore through Philo or a kindred Alexandrian source?

The case is quite different with Simeon than it is with R. Abbahu. Whoever this Simeon was, whether Simeon I, son of Onias I (310–291 or 300–270 B.C.E.) or Simeon II, son of Onias II (219–199 B.C.E.), he antedates Philo by centuries. It is highly questionable whether as early as then Greek reports could have made their way

into the pronouncements of High Priests. The tradition underlying Simeon's declaration points rather to its Palestinian origin. Should we be equally inclined to relegate Philo's homily to native Jewish tradition? Not as readily as in the case of Simeon. Philo, a highly cultured Hellenist, and who, as noted above, was probably acquainted with the works of Polybius who cites the inner-shrine-tradition, was not likely to have missed it there or in his other readings in Greek literature. His very environment was likely to impart it to him as an oral piece of Greek folklore. This quaint cobweb of yore he dressed in philosophic attire and fastened it theologically to Lev. 16:17. This procedure of course does not preclude his being aware of a parallel Palestinian tradition. The two heterogeneous sources of information may have jointly prompted him to concoct his homily on Lev. 16:17 as he did.

But our involvement with Philo has not yet come to an end. The tentacles of his homily extend beyond the times of R. Abbahu and reach well out into the Middle Ages. We read in the *Midrash ha-Ne'elam*:

"After Adam had sinned and those stern decrees were issued against him, God cut him off from those sources of pleasure and gratification in which he had basked in Paradise, and He stationed sentinels at its gates. And who were they? The Cherubim, as it is said: 'And He placed at the east of the Garden of Eden the Cherubim, and the flaming sword which turned in every direction' (Gen. 3:24) in order to guard that path and entrance. For it was then decreed that from that time on no one be allowed to enter it, except the souls that were put to the test by the Cherubim. If they deemed a soul worthy of admission, it was admitted, and if not, they pushed it outside, and it was consumed in the flames or otherwise punished. And we have learned that a parallel situation obtained in the Temple when the High Priest entered the holy of holies."

"For it was reported: ... The innermost shrine is like unto the Garden of Eden. When the High Priest enters it, he comes into it as soul, not as body, and with fear and awe and with trembling and trepidation and with chastity and purity. The Cherubim stand

guard there even as those that stand at the gates of Paradise. If the Priest proved worthy, he entered it in safety and made his exit in safety. If not, a flame would issue forth from the Cherubim, and [the Priest] consumed in it would perish within."¹⁶

Belkin avers that while the Rabbinic sources hyperbolically do designate the High Priests as angels, they never speak of them as disembodied souls.¹⁷ It should be added that the Rabbis following the Bible term them as such whether performing the service outside or inside the holy of holies. Furthermore, they at times compare even ordinary priests¹⁸ and synagogue *hazan*¹⁹ to angels, but always to angels and never to disembodied souls. Belkin therefore rightly concludes that the *Midrash ha-Ne'elam* betrays here Philonic influence, directly or indirectly so.²⁰ An additional indication to this effect is the *Midrash ha-Ne'elam's* accentuated summarization of the High Priest's transformation as *בנשמה ולא בגוף*,²¹ which faithfully epitomizes Philo's protracted exposition about these two opposites. It is true that, unlike Philo and R. Abbahu, the *Midrash ha-Ne'elam* does not base its similar interpretation on Lev. 16:17 but on the fact that since there were Cherubim in both Paradise and the holy of holies, the latter symbolizes the former. But this deviation from Philo is immaterial. The *Midrash ha-Ne'elam* was drawn to it only because it was on the verge of finishing its description of Paradise.

Medieval Jewish sources other than the *Midrash ha-Ne'elam* do not seem to record the Philonian doctrine concerning the transcendental status of the High Priest in the holy of holies. Neither do they, like the Greek reports, cite the loss of shadow in the

¹⁶ See *Zohar Hadash*, ed. Margalioth (Jerusalem, 1953), p. 19a.

¹⁷ *Sura* vol. 3 (1958), pp. 79–81. *מדבר הנעלם ומקורותיו במדרשים האלכסנדרוניים הקדומים*.

¹⁸ (*Num. Rab.* 16, 1) אמר להם פנחס אני כהן והכהנים נמשלו למלאכים (*Mal. 2:7*). שנאמר כי שפתי כהן וכר

¹⁹ (*Qoh. Rab.* to 5:5) ואל תאמר לפני המלאך (*Qoh. 5:5*) זה החזן ואל תאמר עומד כמלאך אלהים וספר תורה בורעו והעם מקיפין אותו דוגמת המזבח (*Midr. Tehillim* 17, 5).

²⁰ See Belkin, *op. cit.*, pp. 80–1.

²¹ See Margalioth, *op. cit.* in n. 16.

sanctuary as a sign of doom for him who enters it undeservedly or in violation of the law. But some of them do record this dire portent in broader terms, i.e. without restricting its occurrence to sacred enclosures. The unrestricted character of this folk-belief, as pointed out in the beginning of this paper, is well-nigh universal. As likewise stated there, the confining of the phenomenon to sacred places in Greek literature may be only accidental. The accounts about it in other situations may simply not have come down to us. Here Jewish antiquity again offers a clue in this direction, and this time by far a more explicit one than in the case of Simeon the Just.

Thus the Rabbis state: "He who wishes to go on a journey and find out whether he will return home or not, let him place himself in a dark room. If he sees the shadow of his shadow he can be sure that he will return home" (*Horayot* 12a). The alternative is not difficult to guess: If he does not see it, he will not return. The "shadow of the shadow" or literally "the reflection of the reflection" translates בכּוּאָה דּבּכּוּאָה in the above passage. Non-Jewish literature does not exactly employ this term but it may be considered akin to the so-called *penumbra*. In *P. Abod. Zar.* 3, 11 it is defined as that part of the shadow which exceeds the length of the object that has cast it and which is thinner and less dark in appearance.²² In limiting the indication to the differential, *Horayot* 12a attempted to lessen the impact of this haunting superstition. For the Talmud right then and there registers its disapproval of it by remarking that it is not proper to make the test lest one may thus lose his courage and his luck may in consequence change for the worse.²³ It is evident that the Rabbis did not set much store by this credulity, but since it was deeply rooted in the minds of the people, they would not try to eradicate it peremptorily and had to mince words

22 כל שאילו תיפול ואינה נוגעת זהו צל צלה. Cf. the comment of פני משה on this passage: כל שאילו תיפול האילן ועד מקום שהיא נוגעת בו: זהו צילה של קומת האילן יתר מכאן נקרא צל צילה.

Cf. also Rashi's comment in 'Abod. Zar. 48 b: שחרית וערבית, לצל צילה, שכל ארוך לכל דבר מאד וכל זמן שלא עברה מדת אורך הצל את מדת טובה שכל ארוך קומת האילן הצל עב וחשוך. מכאן ואילך הצל דק וקלש והוא צל צלו.

23 ולאו מלתא היא דלמא חלשה דעתיה ומיתרע מוליה.

about it. But at all events their remark shows that they had a pretty clear idea of the influence of mind over matter, palpably intimating that what may kill a man is not the loss of his shadow but his worry about it.

Similarly, demons according to the Rabbis have no "shadow of a shadow" but they do have a shadow.²⁴ What motivated this view is probably an idea akin to that of Origen and Tertullian, namely, that the substance of angels and demons though conveniently thin is not wholly material (Tertullian, *Adv. Marcion* 11, 8). The *Zohar* and the *Hokmat ha-Nefesh*, attributed to Eleazar of Worms (ca. 1176–1238) aver that human beings who are about to die have no shadow.²⁵ The latter book further affirms that the angels and the souls of the dead have no shadow.²⁶ The latter opinion is identical with that of Pythagoras cited above. In view of this it is reasonable to assume that Philo, perhaps encouraged by kindred Jewish ideas, reversed Pythagoras' statement (or some such statement by a neo-Pythagorean) and made a supernal hypostasis out of the shadowless High Priest, conveniently forgetting about the sign and its dire premonition. Or, to present matters differently, Philo though he disembodied the High Priest, stopped short of the second half of Pythagoras' premise leaving the loss-of-shadow motif to the imagination or good judgment of the reader. What we see here then is a lowly folklore theme inherited by Pythagoras and raised by Philo to more towering philosophic heights. The new rational spirit of inquiry that came to the fore in Greece in the sixth century formulated decisions upon those recondite and ultimate things concerning which traditional belief had hitherto pronounced judgment. Cornford in his study of the origins of Western speculation has sustained the thesis that the advent of philosophy did not mean a sudden and complete break with the

²⁴ שידה בבואה אית להו בבואה דבבואה לית להו. *Yebam.* 122 a. Cf. *Giffin* 66a. For details on this subject see: Leo Jung, "Mistranslation as Source of Lore", *Jewish Studies in Memory of Michael Guttman* (Budapest, 1946) pp. 413–18.

²⁵ *Zohar*, Gen. 217b, *Sefer Hokmat ha-Nefesh* (Jerusalem, n.d.) (but evidently a twentieth century publication), p. 12a.

²⁶ *Ibid.*, p. 12a: הנשמה לאחר מיתה אין לה צל וכן למלאכים.

older ways of thought.²⁷ Noteworthy in this connection are the words of Harrison: "We may take it as an axiom that philosophy arises out of religion. Greek philosophy arose, we are told, in Ionian Naturism. Starting from our axiom we are bound to ask, 'Out of what religion was it that Ionian Naturism arose?' Not from Olympianism. The doctrines of Thales, of Herakleitos, of Anaximenes, of Anaximander, given that they arose from a religion concerned with the elements, Water, Fire, Air, Earth. For such a religion we look in vain in Greece. That philosophy arose in the sixth century B.C., just the century when Asia Minor was riddled through and through with Persian infiltrations."²⁸

The varying fortunes of the semi-religious folklore theme we have been discussing all along are a case in point. They fully corroborate the views of Cornford and Harrison. The theme was not only transferred to and disguised in part in the realm of philosophy but at long last even passed to the domain of belles-lettres. Chamisso's nineteenth century tale of the shadowless Peter Schlemihl is well known to all students of modern European literature.

Moreover, in our case an additional factor may have concomitantly facilitated the passage of the folk-belief from the religious to the philosophic sphere. John A. Wilson^{28a} discussing the direction of the affairs of the Egyptian nation by the gods says: "The relation was mutual: if the ruler failed to consult the god, the god would not give orders for the state. For this purpose of consultation the Pharaoh was the effective High Priest of all the gods. As he himself was a god, he was the proper intermediary between gods and mortals." In light of this observation, Philo's designation of the High Priest as the *logos*^{28b} or as a hypostasis midway between God and man becomes pertinent and understandable. We must not forget that Philo lived in Egypt, and the

²⁷ See M. Cornford, *From Religion to Philosophy, A Study in the Origins of Western Speculation* (London, 1912).

²⁸ Jane Ellen Harrison, *Themis, A Study of the Social Origins of the Religion* (Cambridge, 1927), p. 461.

^{28a} *The Burden of Egypt* (Chicago, 1951), p. 169.

^{28b} *De Fuga*, 109-10.

This much for the loss-of-shadow tradition? What about the High Priest, the object of this tradition, who according to Philo loses his body instead of his shadow and comes out nevertheless unscathed from the holy of holies and without a death-warrant? It is this sublimated folklore theme that we have claimed to have found with varying nuances not only in Philo, but also in the *Midrash ha-Ne'elam* and in the statement of R. Abbahu.

But R. Abbahu, in addition to positing an ethereal status for Simeon the Just, described him (following R. Simon) as one on whom the Holy Spirit rested in the holy of holies and whose face flamed like torches about him. This to be sure is a prodigious magnification of the divine light reflected in the faces of the ordinary Israelites when receiving the priestly benediction, viz., "The Lord make His countenance to shine upon thee" (Num. 6:25). Moreover, Simeon's "flaming face" reminds one of the beaming face of Moses when he came down from mount Sinai with the two tablets of testimony (cf. Exod. 34:30). The congregation was not allowed to look at the priests as they blessed them because of the light of the Divine Glory emanating from between the fingers of the priests' raised hands.³³ Similarly were the children of Israel afraid to approach Moses when his face was beaming (cf. Exod. 34:30).

Furthermore, R. Abbahu's statement about Simeon the Just contains in germ Ben Sira's portrayal of Simeon the son of Yoḥanan when he came out from behind the veil on the Day of Atonement. Among other delineations Ben Sira thus draws the splendid image of the High Priest:

1. 5a "How glorious was he when he looked forth from the Tent,
1. 6a Like a morning-star from between the clouds,
1. 6b And like the full moon on the feast days,
1. 7a Like the sun shining upon the Temple of the Most High

³³ See *Hagigah* 16a quoted below and *Num. Rab.* 11, 2: אַעפֿי שאַמַרְתִּי לַכַּהֲנִים: אֵיךְ הָיוּ מְבָרְכִים אֶתְכֶם, עִמָּהֶם אֲנִי עוֹמֵד וּמְבָרֵךְ אֶתְכֶם לְפִיכֶךְ הַכַּהֲנִים פּוֹרְשִׁים אֶת כַּפֵּיהֶם לִוְמֵר שֶׁהַקֹּדֶשׁ עוֹמֵד אַחֲרַי, וְלִכֵּן הוּא אוֹמֵר מִשְׁנַח מִן הַחֲלוּטוֹת (Cant. 2:9) מִבֵּן כַּתְּפוּתֵיהֶם שֶׁל כַּהֲנִים, (ibid.) מִצִּיץ מִן הַחֲרָכִים.

1. 7b And like the rainbow becoming visible in the cloud

1. 9a And as the fire of incense in the censer.”³⁴

It is worthy of notice that 1. 7b is based on Ezek 1:28, and this very Biblical verse is utilized in *Ḥagigah* 16a to prove the Divine Glory’s interpenetration of the rainbow, to wit:

כל המסתכל בשלשה דברים עיניו כהות. בקשת ובנשיא ובהנים, בקשת דכתיב כמראה הקשת אשר יהיה בענן ביום הגשם הוא מראה דמות כבוד ה' (Ezek. 1:28), בנשיא דכתיב ונתת מהודך עליו (Num. 27:20) בבהנים בזמן שבית המקדש קיים שהיו עומדין על דוכנן ומברכין את ישראל בשם המפורש.

We see also that *Ḥagigah* 16a couples the Ezek. 1:28 proof with additional proofs for the presence of the *Shekinah* on two other occasions. One of these is the pronouncement of the Priestly Benediction in the Temple. It therefore strongly suggests itself that Ben Sira while drawing the image of the High Priest has, like R. Abbahu and *Ḥagigah* 16a, contemplated withal the presence of the *Shekinah* at Simeon’s performance of the Temple rites.

All these parallelisms in the aforementioned sources cannot strike us as gratuitous. They must needs go back to a common tradition of much higher antiquity, which accorded to the High Priest transcendent spiritual traits. How high is this antiquity and how wide, if any, is the sway of this tradition in the Ancient Near East? Perhaps the following excerpt from the royal records of Sumer and Akkad will help us to venture an opinion on this score.

“Beim Anbruch des Tageslichtes kam der Koenig an, der Krieger Nin-gir-su zug ein in den Tempel, in den Tempel ging der Koenig, gleich einem... welcher erhebt die Augen... zog der Krieger ein in seinen Tempel, gleich einem Wirbelwind, der heult... ging Nin-gir-su in seinen Tempel, gleich dem Hause der Tiefe, (wenn) Feste stattfinden, der Koenig... Gleich der Sonne, welche aufgeht aus Lagaš, ging Ba-u ihm zur... Seite, gleich einer getreuen Frau, welche sorgt fuer ihr Haus, trat sie hin an sein Lager, gleich dem Tigris, (wenn) sein Wasser hoch ist, blieb sie neben seinem Ohre; die Koenigin, Tochter des reinen Himmels (in) einem

³⁴ Ben Sira 50:5–9, translated by Box and Oesterley (*Apocrypha and Pseudepigrapha of the Old Testament in English*, ed. Charles, Oxford, 1913, I, 508).

schoenen Garten.... gleich der aufgehenden Sonne, (gleich dem Gotte) welcher bestimmt die Geschicke, betrat Ba-u seine Seite."³⁵

All in all there are thirteen similes in the Ben Sira passage and eight in the Sumerian excerpt. So many similes applied to the portrayal of sacrosanct figures impress us as rare, if not unique, in either literature. What is to be further observed is that both sources describe a Temple service and that the simile of l. 7a in Ben Stia is virtually identical with the fourth and seventh similes of her Sumerian piece. On the other hand, we must note that the Sumerian protagonists are not worshippers but worshipped objects, namely the statues of Nin-gir-su, the tutelary deity of the city of Lagash, and his consort, the goddess Bau, both carried aloft in a religious procession to the local temple. But in our own case, strange as it may seem, the very dissimilarity may spell out similitude. If the High Priest turns into a supernatural hypostasis, he too in a way partakes of the nature of the divine, and the line drawn between worshipper and worshipped grows faint and indistinct. This does not mean that the (B) Ben Sira passage is dependent on the (A) Sumerian as the (C) Yom Kippur Piyyut *מַעֲלָה בְּדַרְי מַעֲלָה בְּדַרְי* כֹּהֵן וְכוּ' *מֵרָאָה כֹּהֵן וְכוּ'* is surely dependent on the (B) Ben Sira lines. The resemblance between (B) and (C) is much closer than between (A) and (B), not to mention the fact that the former two constitute inner proliferations within the same religious sphere. But however remote the resemblance between (A) and (B) and however heterogeneous their cultures as regards creed and language that produced them, there is that imponderable *aliquid* that links them, and that *aliquid* is the Common Tradition of the Ancient Near East taken in its broadest sense and compass. One need hardly mention that the Sumerian excerpt bears also a resemblance to *שֹׁאֵר שְׂעִירִים רֹאשֵׁיכֶם* (Ps. 24:7-8), *וְכוּ' וַיְבֹא מֶלֶךְ הַכְּבוֹד וְכוּ' ה' עֶזְרוּ וּגְבוּרָה ה' גְּבוּרָה מִלְחָמָה* and a very significant resemblance at that. But this too does not detract from whatever similarity there obtains between (A) and

³⁵ *Die Sumerischen und Akkadischen Koenigsinschriften* bearbeitet von F. Thureau-Dangin, pp. 125-7 (Vorderasiatische Bibliothek, 1. Band, Abt. 1.).

³⁶ Cf. the Syriac version of the Ahiqar Romance (6, 10-14) where the hero heaps similar similes on the king of Egypt (Charles, *op. cit.*, pp. 758-759).

(B), for the Common Tradition of the Ancient Near East is polymorphous and primordial enough to contain in germ combined forms and features that subsequently diverged to become individualized in the several cultural spheres.

20.

A PHILOSOPHICAL SESSION IN A TANNAITE ACADEMY

By JUDAH GOLDIN*

Commenting on the verse¹ which reports the devastation of Jerusalem by Nabuzaradan, that 'he burnt the house of the Lord, and the king's house; and all the houses of Jerusalem, even every great man's house,' וַיִּאָּחַד כָּל בֵּית גִּבּוֹרִים,² the Midrash³ makes the following remark:

And to what does the clause *every great man's house* refer? That's the academy (*bet midrash*) of Rabban Johanan ben Zakkai. And why is it called *bet gadol* [literally, the house of the great one]? Because there the *shebah* (*shevah*) of the Holy One, blessed be He, was rehearsed, related, recited

— the verb used is *teni*, which means not only to recite but to study and to teach. To translate *shebah* by the neutral word 'praise', is to miss the real intent of the statement. *Shebah* in the present sentence, as in a great many others in talmudic-midrashic literature, is clearly δόξα; and one of the traditional commentators on our midrashic passage has already correctly explained it: in Johanan ben Zakkai's academy they were engaged in the Creation and Merkabah (Chariot) speculations.⁴ The parallel passage in the Palestinian Talmud⁵ bears him out. Here we do not read *shebah*, but *gedulot*, the Magnificence, and the citation of 4 Regum 8.4 as prooftext ('narra mihi omnia magna-

* A slightly longer and more fully documented version of this paper, written in Hebrew, appears in the *Harry A. Wolfson Jubilee Volume*, recently published by the American Academy for Jewish Research. Several notes in the present English version, as well as a brief amplification at the conclusion of the discussion, do not appear in the Hebrew.

¹ 4 Reg. 25.8 f.; cf. Jer. 52.13. While the Vulgate of Jer. *ibid.* does read 'omnem domum magnam' (LXX: πᾶσαν οἰκίαν μεγάλην), in 4 Reg. 25.9 it reads simply 'omnemque domum' (see also LXX *ad loc.* ed. Rahlfs I 750), though in the Hebrew (MT) in both the reading is *bet gadol* (in Jer. *bet ha-gadol*).

² This translation is, of course, in accordance with MT; cf. the translation of the Jewish Publication Society.

³ *Lamentations Rabba*, Petiḥa 12, ed. Buber 12.

⁴ The commentary is *Yefeh 'Anaf* by Samuel ben Isaac Ashkenazi Jaffe of the second half of the sixteenth century (see *Lam. Rab.*, Vilna edition, 3b). Cf. *Encyclopaedia Judaica*, 8.744f. And on *shebah* = *doxa*, cf. also S. Lieberman in G. G. Scholem, *Jewish Gnosticism, Merkabah Mysticism, and Talmudic Tradition* (New York 1960) 123.

⁵ *J. Megillah* 3. 1. And note the combination of *gedulah* and *shebah* in *Pesikta de-Rav Kahana*, ed. Buber 41b (but ed. Mandelbaum 76 reads only *gedulato*, and even in the variant readings does not give the Buber reading). *Pesikta Rabbati*, ed. Friedmann 65b reads simply *gedulato*, and the same is true of *Tanhuma Numbers*, ed. Buber 60b,

lia' etc.; LXX: πάντα τὰ μεγάλα)⁶ makes the meaning perfectly clear. As G. Scholem wrote long ago in another connection,⁷ 'The term employed: *shivho shel hakadosh barukh hu*, signifies not only praise of God — in this context that would be without any meaning — but glory, *δόξα*, *shevah* being the equivalent of the Aramaic word for glory, *shuvha*. The reference, in short, is not to God's praise but to the vision of His glory.'

Our Midrash, in other words, testifies that in the academy of Johanan ben Zakkai there were sessions devoted to speculations on the theme of visions of God's glory. And in fact this should not surprise us, for it is in keeping with what talmudic literature tells us elsewhere⁸ about an exchange between the great sage and his favorite⁹ disciple, Eleazar ben 'Arak — how on one occasion, when Eleazar discoursed brilliantly on the Merkabah theme, Johanan could not resist praising him in most superlative terms. 'He rose and kissed him on his head and exclaimed: Blessed be the Lord, God of Israel, who gave such a descendant to our father Abraham,' and so on and so forth.¹⁰

We shall shortly examine more closely this well known encounter of Johanan and Eleazar ben 'Arak. I have referred to it at this point, however, because along with our midrashic passage it may serve to suggest something about the nature of the curriculum (if I may be permitted such a term) in Johanan's academy. That is to say: it is already evident that in this famous academy not only were there sessions devoted to the study and development of Halakah, Law, as talmudic literature abundantly demonstrates, but there were also sessions devoted to esoteric lore, the kind of speculation that one customarily associates only with mystics and gnostics, and supposedly shunned by the talmudic Rabbis. As Scholem proved in some of his most recent publications,¹¹ so-called gnostic themes can be traced back to the 'normative' rabbinic thought of the second century A. D., and even late first century. I hope in the near future to prove that already *early* in the first half of the first cen-

⁶ Is this perhaps what lies behind 'magnalia Dei' of Acts 2.11 also, at least in part? Cf. the commentary by K. Lake and H. J. Cadbury in F. Jackson and K. Lake, *Beginnings of Christianity* IV (London 1933) 20.

⁷ *Major Trends in Jewish Mysticism* (Jerusalem 1941) 65 (paperback ed. New York 1961, p. 66). Note also *The Scroll of the War of the Sons of Light Against the Sons of Darkness*, ed. Y. Yadin, trans., B. and C. Rabin (Oxford 1962) 274f., '... GDL 'EL, TŠBWH'T 'EL, KBWD 'EL.'

⁸ *T. Hagigah* 2.1 (on which see now S. Lieberman, *Tosefta Ki-Fshutah*, New York 1962, Part V, Order Mo'ed, pp. 1287ff.); *B. Hagigah* 14b; *J. Hagigah* 2.1; *Mekilta Simeon*, ed. Epstein-Melamed 159.

⁹ See further n. 16 *infra*.

¹⁰ For a similar exclamation and enthusiasm in connection with another of his disciples, see version B of 'Abot de-Rabbi Nathan, ed. S. Schechter (hereafter ARN) p. 32.

¹¹ See especially the work referred to in n. 4 *supra*, and cf. the review by M. Smith in *Journal of Biblical Literature* 80 (1961) 190f.

tury, Pharisaic teachers were aware of theurgic practices, of which at least one sage did not approve, outspokenly.¹³ The point is, talmudic sources evidently reveal that in the academy of Johanan ben Zakkai there was more than preoccupation with the Law. This there is no need to belabor. But I would like to suggest that in addition to Halakic studies, in addition to general Haggadic (non-legal) sessions, in addition to concerns with esoteric lore, there were also sessions devoted to the consideration of philosophical questions.

Needless to say, it is not always easy to draw a sharp line between esoteric statements that involve one in metaphysics, and philosophical expositions. But when I speak of philosophical questions in the present study, I have in mind the exploration of ethical problems in the idiom which had become characteristic of Hellenistic philosophical circles, particularly after the period of classical Greek philosophy. As scholars have universally observed, in the Hellenistic period, more and more, ethics came to be central in the preoccupation of philosophers.¹³ This does not mean that there was no interest in the other branches of philosophy — physics, or rhetoric, or metaphysics. But as A. D. Nock put it,¹⁴ to quote one historian out of many, '... in the Hellenistic age the philosophic centre of interest became primarily ethical.'

It is with this therefore that we are here concerned when we speak of philosophical questions. But one more preliminary observation before we proceed to analysis of the talmudic texts: I do not seek to blur distinctions, to make of the vineyard of Jamnia an epicurean garden with Hebrew Florilegi, to equate a talmudic epigram lifted out of context with some Greek sentence also uprooted from its natural habitat. The rabbis were not Platos in Hebrew disguise, nor were they students (much less disciples) of Plato. On the other hand, however, especially after the detailed researches of E. Bickerman, Hans Lewy, and S. Lieberman,¹⁵ it is impossible to deny that in the tents of Shem quite a number of Japhet, Hellenistic influences took up residence. That being the case, one may not a priori dismiss the possibility that in a

¹³ For the present, see ARN 56. I hope to show that the exegesis occurring there is indeed *literal* exegesis.

¹³ See, for example, E. Zeller, *Outlines of the History of Greek Philosophy* (New York) 1911) 208: '... in the systems of Hellenistic philosophy ethics and social theory occupy the most prominent positions ...'

¹⁴ *Conversion* (London 1933) 114.

¹⁵ Merely by way of example (for very many details are scattered throughout the rich and numerous studies of these men) the following may be listed: by E. J. Bickerman, *Der Gott der Makkabäer* (Berlin 1937); *The Maccabees* (New York 1947); 'La chaîne de la tradition pharisienne,' *Revue biblique* 59 (1952), 44ff.; 'The Maxim of Antigonos of Socho,' *Harvard Theological Review* 44 (1951) 153ff.; by Hans Lewy, the collection of essays in 'Olamot Nifgashim [Heb.] (Jerusalem 1960); by S. Lieberman, *Greek in Jewish Palestine* (New York 1942) and *Hellenism in Jewish Palestine* (New York 1962).

tannaite academy there should be sessions devoted to philosophical problems. Some texts at least suggest otherwise; let us look at them, without more ado. And we shall begin with Johanan ben Zakkai's *favorite* disciple, Eleazar ben 'Arak.¹⁸

To him, chapter II of *Pirque 'Abot*¹⁷ attributes the following saying: 'Be diligent in the study of Torah, and know how to answer an Epicurean. Know in whose presence thou art toiling; and faithful is thy taskmaster to pay thee the reward of thy labor.' A typical rabbinic view, one is tempted to say: there is emphasis on the study of Torah, there is opposition to epicureanism, there is affirmation of the doctrine of reward. No doubt. The difficulty is this however: what *exactly* did Eleazar ben 'Arak say? Already in *'Abot de-Rabbi Nathan* (hereafter ARN),¹⁸ when Eleazar is quoted, the last clause, 'to pay thee the reward of thy labor,' is omitted, and there is good reason to believe that this clause came to be attached to Eleazar's maxim as a result of its similarity to part of Rabbi Tarfon's maxim cited immediately thereafter in the same chapter of *Pirque 'Abot*.¹⁹ Not only that, but in *Pirque 'Abot* Eleazar's term for God appears as 'thy taskmaster,' *ba'al melakleka*, whereas in ARN the term used is 'author of the covenant with thee, thy Confederate,' *ba'al beritka*.²⁰ Perhaps these are small matters. But more serious is the following: An examination of each of the maxims by Johanan ben Zakkai's disciples cited in the second chapter of *Pirque 'Abot* reveals that each is made up of three sentences²¹ — this is their basic design and stylistic character. On the other hand, if you analyze Eleazar's saying, you discover not three, but four sentences, even if the clause about reward is omitted; thus: (1) Be diligent in the study of Torah; (2) Know how to answer an Epicurean; (3) Know in whose presence thou art toiling; (4) Faithful is thy taskmaster. ARN is of no help in this regard; actually it complicates matters all the more, for in addition to these sentences it adds still another, to wit, 'Let not one word of the Torah escape thee.'²²

¹⁸ See *Pirque 'Abot* (hereafter PA) 2.8-9; ARN 58f.; and cf. J. Goldin, *Fathers According to Rabbi Nathan* (New Haven 1955) 74 and n. 13 *ad loc.* And note in particular *Mekilla Simeon* 159.

¹⁷ PA 2.14. ¹⁸ p. 66.

¹⁹ 2.15-16; cf. ARN (both versions) 84. See also C. Taylor, *Sayings of the Jewish Fathers* (Cambridge 1897-1900) I 12 (Heb. Text), and II 145.

²⁰ Cf. Taylor II *ibid.* and A. Marmorstein, *Old Rabbinic Doctrine of God* (Oxford 1927) 78.

²¹ And this applies no less to Rabbi Eliezer ben Hyrkanos' saying in 2.10, as D. Hoffmann, *Ha-Mishnah ha-Rishonah* (Berlin 1913) 33, showed. See also n. 84 in J. Goldin, 'The End of Ecclesiastes' in *Studies and Texts* III, ed. A. Altmann (now being published).

²² This statement does not occur in Version B of ARN *ibid.*; on that version's reading, see the idiom in the citation from Rabbi Ephraim bar Samson in G. Scholem, *Reshit ha-Qabbalah* (Jerusalem-Tel Aviv 1948) 40.

Textual difficulties of this sort can prevent us from ever getting at the substance of an author's statement. But in the present instance we are rather fortunate in having a reading preserved by a large number of Genizah manuscripts in the Cambridge University Library. Here we find the following version of Eleazar's saying — and note that it is indeed composed of three, rather than four, sentences: 'Be diligent to learn how to answer an Epicurean, know in whose presence thou art toiling, and faithful is thy *ba'al berit*.'²³ Not a word, in short, about the study of Torah. And this is unquestionably the correct reading. The expression *lilmod Torah*, to learn or study Torah, is so fixed a stereotype and cliché in rabbinic literature, that one can easily see how Eleazar's saying came to be garbled. Be diligent to study? Surely, said some later transmitter or copyist, Eleazar had in mind studying Torah.²⁴ No wonder the editor of ARN decided to improve even on this, and added, 'Let not one word of the Torah escape thee.'²⁵

Since, however, we are interested in what Eleazar said, and not in what later teachers thought he said, we had best focus on his own words, which are, to repeat: 'Be diligent to learn how to answer an Epicurean, know in whose presence thou art toiling, and faithful is thy taskmaster (or, thy *ba'al berit*).' If we focus on these words we cannot, I believe, fail to recognize that a kind of anti-epicurean polemic is before us, some as-it-were Stoic (I emphasize as-it-were) remark. I insist: this is not to say that Eleazar is a formal member of a Stoic school. All that is intended thus far is to call attention to the fact that if we hear what Eleazar is saying, we shall discern that he is *urging* us to learn how to refute an Epicurean (note his idiom: 'be diligent to learn to refute,' *hewe shaqud, lilmod le-hashib*), that he exhorts us to remember that our toils in this world do not go unattended, and that there is one to whom we are subject and He is trustworthy, dependable.

One notion we had best dispose of at the outset, and that is, that talmudic sources use the term *epiurus* indiscriminately to suggest any kind of heretic or unbeliever.²⁶ Despite widespread impression to the contrary, the term occurs in the Mishnah only in the *Pirke 'Abot* passage we have cited and

²³ This reading, 'be diligent to learn how to answer an epicurean,' sometimes indeed with the 'et accusative sign rather than the prefix *lamed*, occurs *at least* in the following MSS and MS fragments: TS, E 3, 40, 55, 63, 74, 82, 93, 103, 111, 124, 128, 141. Note in fragment No. 40 the interesting reading *she-loši* (rather than *she-tashib*).

²⁴ One example may be instructive. In Codex Kaufmann of the Mishnah the reading is: 'Be diligent to study (learn) how to answer an epicurean'; and on the margin of the MS someone has noted that the word 'Torah' should be inserted after 'learn'!

²⁵ Perhaps it is this editor in fact who is responsible for that word 'Torah' getting into the text.

²⁶ Cf. R. Marcus in his note d *ad* Josephus, *Antiquities* 10.281 (Loeb Classics; Josephus VI 313).

once more, also in an old Mishnah,²⁷ which incidentally describes the points of difference on dogmatic issues between Pharisees and Sadducees. 'The following have no share in the *'olam ha-ba'*, the World to come (or, Age to come): He who says, there will be no resurrection, Torah was not revealed, and Epikurus' i.e., an Epicurean — note especially that the text reads, (an) Epikurus, not *the* Epicurean; note further, that in all the best MSS and editions, the transliteration of the word is excellent, אפיקורוס, not אפיקור²⁸ as in many later indifferent appearances of the term. Except for these two places the word does not appear anywhere else in the Mishnah — all other appearances of the term in the Mishnah, as one may learn even by consulting Kasovsky's *Concordance*,²⁹ are untrustworthy. In the Mishnah, then, the word has not yet been worn thin by frequent usage. All of which is simply meant to underscore, that it is wisest not to water down Eleazar's remark, and if he said an Epicurean, he meant just that. Very likely he had not non-Jewish, but Jewish Epicureans in mind. But he very likely did have in mind such Jews as had become epicurean more or less in outlook, not just any heretic at all.

To be sure, by the latter half of the second century, as would appear from Lucian's 'Alexander the False Prophet,' the term Epicurean seems to have become a dirty word, one can frighten audiences with it³⁰ although they might not know what the term meant really, somewhat like the word 'communist' in some circles today. But that Eleazar was using Epicurean in a slovenly name-calling manner is most unlikely. Observe, he does not say, Beware (*hewe zahir*) of an Epikurus — an idiom so congenial to *Pirqe 'Abot*.³¹ What he says is, Be *shaqud*, diligent, *lilmod*, to study, to learn, *le-hashib*, to reply, to refute. He is speaking of serious refutation of the Epicurean, and like a Stoic insists that there is a trustworthy God before whom we engage in our toiling.³²

We are now in a position, I believe, to understand part of the story of Rabban Johanan's enthusiasm over his disciple's brilliant Merkabah discourse.

²⁷ *Sanhedrin* 10.1, and for the correct reading and the implications thereof cf. J. Goldin in *Proceedings, American Academy for Jewish Research* 27 (1958) 49, and notes *ad loc.*

²⁸ And though the copyist of the Version B manuscript for S. Schechter's edition of ARN 66 recorded אפיקורוס I personally checked Vatican MS heb. 303, and found the reading to be definitely אפיקורוס.

²⁹ C. Y. Kasovsky, *Thesaurus Mishnae* [Heb.] (Jerusalem 1956) I 261. And note its single appearance in the Tosefta, *Sanhedrin* 13.5.

³⁰ Cf. ed. M. Harmon (in Loeb Classics, IV 175ff.).

³¹ See for example PA 1.9, 11; 2.1, 3, 10, 13; 4.13.

³² Cf. R. D. Hicks, *Stoic and Epicurean* (New York 1910) 304: 'The Epicureans were never tired of arguing against the conception of God as either Creator or Providence . . . On these points their chief antagonists were the Stoics . . .'

The talmudic sources relate that when Eleazar finished speaking, his master not only kissed him and exclaimed 'Blessed be the Lord, God of Israel, who gave such a descendant to our father Abraham,' but went on as follows:

There are some who teach, interpret (*doresh*) becomingly, but do not practice, do not carry out, becomingly; there are some who practice what is becoming, but do not teach becomingly. But Eleazar ben 'Arak teaches becomingly and practices becomingly. How fortunate you are, O father Abraham (et cetera).

'Practices what he preaches,' *na'eh doresh we-na'eh meqayyem*, has become so familiar an expression in Hebrew, that occasionally one imagines that it occurs frequently in the classical sources. The fact is, it occurs only in one other context. When, it is reported, the bachelor Ben 'Azzai held forth on one occasion, on the importance of the first biblical commandment, to be fruitful and to multiply, his colleague Eleazar ben Azariah rejoined stingingly:

Things are well said when they come from the mouths of those who put them to practice, *na'im debarim ke-she-hen yoš'in mi-pi 'osehen*. There are some who teach becomingly and practice becomingly. Ben 'Azzai teaches becomingly but does not practice becomingly.³³

Or as we might put it, he *talks* a good line. Now, in this context Eleazar's rejoinder is perfectly intelligible. But what can that remark mean in the story of Eleazar ben 'Arak's Merkabah discourse in the presence of Johanan ben Zakkai? What practice, ill or otherwise, would be at issue? That when Johanan warned him that esoteric subjects are not discussed in public, Eleazar assented? As the texts read, it is no wonder commentators (e. g. the *Maharsha*)³⁴ have had difficulty with that sentence. What meaning can *na'eh meqayyem* have here, even if *na'eh doresh* does apply to a brilliant discourse?

It is a Hellenistic source which furnishes the answer to this question. Diogenes Laertius says that when the Athenians honored Zeno, the founder of the Stoic school, among other things this is what they said of him:³⁵

... Zeno of Citium ... has for many years been ... exhorting to virtue and temperance those of the youth who come to him to be taught, directing them to what is best, affording to all in his own conduct a pattern for imitation in perfect consistency with his teaching (*παράδειγμα τὸν ἰδίον βίον ἐκθεῖς ἅτασιν ἀκόλουθον ὄντα τοῖς λόγοις οἷς διελέγετο*).³⁶

And so, 'practices what he preaches' is a *topos*, a way of complimenting pure and simple. And since I wrote the paragraph above, S. Lieberman has

³³ *T. Yebamot* 8.4 (and see S. Lieberman, *Tosefeth Rishonim* [Jerusalem 1938] II 22); cf. *B. Yebamot* 63b and *Genesis Rabba* 34, ed. Theodor-Albeck 326f.

³⁴ I.e., Rabbi Samuel Edels (1555-1631), the author of impressive talmudic *novellae*. His comment occurs *ad B. Hagigah* 14b.

³⁵ Diog. Laert. 7.10-11 (ed. Hicks in Loeb Classics, II 121, whose translation I am using).

³⁶ On the genuineness of the decree see Hicks' reference *loc. cit.* 120.

graciously sent me in private communication, two or three additional examples, one of them by the way from Plutarch (*Moralia* 1033^a seq.), in which *Stoics* are criticized for not living, conducting themselves, as they themselves teach. One cannot help therefore recalling what Lucian writes of the philosophers in his *Menippus*:³⁷ τοὺς γὰρ αὐτοὺς τούτους εὐρισκὼν ἐπιτηδῶν ἐναντιώ-
τατα τοῖς αὐτῶν λόγοις ἐπιτηδεύοντας.

It may be no more than a coincidence that Eleazar ben 'Arak should be praised by his teacher as the founder of the Stoics was praised. And I certainly do not intend to press this too hard. Let us therefore get on with our sources. We read:³⁸ When Johanan ben Zakkai's son died, his five famous disciples came to comfort him. Each one made the earnest effort, Eliezer ben Hyrkanos, Joshua ben Hananiah, Jose the Priest, Simeon ben Nathanel, and Eleazar ben 'Arak. But all of them, except the last, failed. As Johanan put it to each one in turn, as each finished his little homily, 'Is it not enough that I grieve over my own, that you remind me of the grief of' others? But when Eleazar appeared, the outcome was different. As soon as he appeared, Johanan knew he would be comforted, and in fact he was. And here is what Eleazar had said and what proved to be the genuine consolation:

I shall tell thee a parable: to what may this be likened? To a man with whom the king deposited some object. Every single day the man would weep and cry out, saying: 'Woe unto me! When shall I be quit of this trust in peace?' Thou too, master, thou hadst a son: he studied the Torah, the Prophets, the Holy Writings,³⁹ he studied Mishnah, Halakah, and Hag-gadah, and he departed from the world without sin. And thou shouldst be comforted when thou hast returned thy trust unimpaired.

Now, this notion of the soul of one's beloved held in trust is not unknown in rabbinic sources; it is especially familiar in the anecdote of the death of Rabbi Me'ir's sons.⁴⁰ It occurs also in non-rabbinic sources,⁴¹ and I would like to cite a relevant passage from Philo (*de Abrahamo* 44)⁴² who in praising Abraham says:

. . . I will speak of one [merit] which concerns the death of his wife, in which his conduct should not be passed over in silence. When he had lost his life-long partner . . . when sorrow was making itself ready to wrestle with his soul, he grappled with it, as in the arena, and prevailed. He gave strength and high courage to the natural antagonist of passion, reason,

³⁷ *Men.* 5 (in Loeb Classics, IV 82).

³⁸ ARN 58f.

³⁹ The correct reading of the text is preserved in Israel ibn Al-Nakawa, *Menorat Ha-Maor*, ed. H. G. Enelow (New York 1929-32) III 523.

⁴⁰ *Midrash Mishle*, ed. Buber 108-9.

⁴¹ See for example *Sapientia* 15.8, 16, and especially Josephus, *Wars* 3.8.5.

⁴² I am using Colson's translation (Loeb Classics, VI 125ff.).

which he had taken as his counsellor throughout his life and now particularly was determined to obey. . . . The advice was that he should not grieve over-bitterly as at an utterly new and unheard-of misfortune, nor yet assume an indifference as though nothing painful had occurred, but choose the mean rather than the extremes and aim at moderation of feeling, not resent that nature should be paid the debt which is its due, but quietly and gently lighten the blow.

The testimonies for this are to be found in the holy books . . . They show that after weeping for a little over the corpse he quickly rose up from it, holding further mourning to be out of keeping with wisdom, which taught him that death is not the extinction of the soul but its separation and detachment from the body and its return to the place whence it came; and it came, as was shown in the story of creation, from God. *And, as no reasonable person would chafe at repaying a debt or deposit (χρεός ἢ παρακαταθήκην) to him who had proffered it, so too he must not fret when nature look back her own, but accept the inevitable with equanimity.*

The passage, as is clear, reverberates with Stoic echoes.⁴³ 'Never say about anything,' Epictetus tells us,⁴⁴ "I have lost it," but only "I have given it back." Is your child dead? It has been given back (ἀπεδόθη). Is your wife dead? She has been given back.' Interesting enough, when Tarn comes to summarize Stoic teaching, even he chooses as one of its distinctive emphases, 'the Stoic will not grieve for his son's death.'⁴⁵

Once again perhaps it may be wise to repeat the note of caution already struck. It does not *necessarily* follow from all we have thus far explored, that without the Stoics the talmudic Fathers could not have arrived at the idea of the soul as a deposit — though I must say, even Ps. 30.6 (MT 31.6), 'In manus tuas commendo spiritum meum,' does not *altogether* suggest the idea to the tannaite midrash, the *Mekilla*,⁴⁶ which cites the verse as proof-text for the statement that 'all souls are in the hand of Him by whose utterance the world came into being.' In the companion midrash, *Mekilla of R. Simeon*,⁴⁷ the idea is not even given the benefit of this proof-text: the verse isn't cited at all! Be that as it may, even a novice knows that it is fake scholarship to declare that there is necessary dependence simply because one finds

⁴³ See also Colson's note, *loc. cit.* 598f. Cf. Philo's *Quaestiones*, ed. R. Marcus (Loeb Classics) I 350-52.

⁴⁴ *Encheiridion* 11, ed. W. A. Oldfather (Loeb Classics) II 491.

⁴⁵ *Hellenistic Civilization* (London 1936) 299. In *Republic* 10, 603, Plato also says that the good man will not mourn excessively over the loss of his son; but though he gives several reasons for this, he does not speak of the soul as a deposit or trust.

⁴⁶ Ed. J. Z. Lauterbach II 67. St. Augustine on that verse does not speak of this either. Note that primarily the verse recalls to him its use in Luke 23.46, and hence he underscores 'Audiamus vocem Domini,' cf. *Enarrationes in Psalmos ad loc.* (ed. Dekkers and Fraipont, CCL 38 [1956] 199). Cf. St. Jerome on Ps. 145.4 (MT 146.4) (ed. Morin, CCL 78.324).

⁴⁷ Ed. Epstein-Melamed 95.

similarity of ideas. But, firstly, similarity should be recognized if it exists, even if there may be no dependence. Secondly, however, there is a detail that must be introduced in this connection.

Josephus cannot be depended on either when he protests *pro vita sua* or — and it is this which concerns us here — when he describes sects in Jewish Palestine as though they were Greek schools of thought. This has been underscored so frequently by so many scholars that it would be childish to ignore their remarks. And yet, even if we grant that it is grotesque to look upon Pharisees, Sadducees, and Essenes as though they were imitation Greek schools, perhaps we may learn something from the particular form of absurdity of which the author is guilty. It is instructive that, when Josephus describes the Pharisees, of all schools, he chooses the Stoics to compare them with: 'the Pharisees, a sect having points of resemblance to that which the Greeks call the Stoic school.'⁴⁸ The statement is not to be dismissed cavalierly: observe how carefully he has expressed himself, 'a sect having points of resemblance,' *ἡ παραπλήσιός ἐστι*. That Josephus is capable of giving an accurate characterization of a Greek school, we know from his observations on the Epicureans:⁴⁹

It therefore seems to me, in view of the things foretold by Daniel, that they are very far from holding a true opinion who declare that God takes no thought for human affairs. For if it were the case that *the world goes by some automatism* (*εἰ συνέβαιεν αὐτοματισμῷ τινι τὸν κόσμον διαγίνειν*)⁵⁰, we should not have seen all these things happen in accordance with his prophecy.

Josephus may be stretching a point, and more than a point, when he feels he has to. But he is undoubtedly registering something real about the Pharisees — they *were* affected by a Stoic climate; and as Tarn has written:⁵¹ 'The philosophy of the Hellenistic world was the Stoic; all else was secondary.' Jewish Palestine was not immune to this.

Such at least is the climate of notions around Eleazar ben 'Arak, Johanan ben Zakkai's favorite disciple of whom the text says: 'Happy the disciple whose master praises him and testifies to his gifts!'⁵² And if we keep this climate in mind we shall understand a famous block of passages in *Pirke 'Abot* (hereafter PA), often cited, but perhaps not sufficiently appreciated.

⁴⁸ *Vita* 2, end, ed. Thackeray 7.

⁴⁹ *Antiquities* 10, end, ed. R. Marcus (Loeb Classics) VI 313.

⁵⁰ See also S. Lieberman, 'How Much Greek in Jewish Palestine,' in *Studies and Texts* I, ed. A. Altmann (Cambridge, Mass. 1963) 130. By the way, rabbinic sources reflect also an awareness of the fact that as regards Providence and belief in God, there are varieties of views; cf. *Sifre Deut.* 329, ed. Finkelstein 379 and *Midrash Tannaim* 202.

⁵¹ *Op. cit.* 290. And regarding semitic influences on Stoic thought, cf. Rostovtzeff, *Social and Economic History of the Hellenistic World* (Oxford 1941) 1426 n. 232.

⁵² Cf. Goldin, *Fathers* . . . Nathan 74, and note *ad loc.*

When the second chapter of PA resumes the chain of tradition which is the basic scheme of the first chapter, it quite properly introduces Johanan ben Zakkai with the customary formula. 'Rabban Johanan ben Zakkai took over from Hillel and Shammai.'⁵³ Then, as is the practice of PA, it quotes his saying. Since the editor is eager to show that that chain of tradition, whose first link was forged with Moses at Sinai,⁵⁴ was not broken even after Johanan ben Zakkai — though in his day the Temple had been destroyed⁵⁵ — he proceeds to introduce the five famous disciples of Johanan, and to quote *their* sayings. But as everyone knows, this introduction is not quite like all the previous introductions. Before the editor quotes these men, he first informs us how Johanan used to describe them.⁵⁶ Even after that he does not quote the disciples; before the editor gets down to their sentences he introduces a long conversation piece, a section recording an exchange between Johanan and his disciples.⁵⁷ Only after all this does he transmit their sayings. Nothing like this, description⁵⁸ or conversation, occurs anywhere else in PA.

The insertion of a description of the disciples is easily explainable. Since the editor is eager to assert that despite the national, the political and institutional, disaster, the destruction of the Jerusalem Temple, the Pharisaic chain of tradition remained unbroken, we can appreciate why he feels he ought to report the master's own testimony regarding the stature of his disciples. These were no ordinary disciples, no run of the mill sages. Eliezer ben Hyrkanos was 'a plastered cistern which loses not a drop. Joshua — Happy is she who gave birth to him. Jose — A saint. Simeon ben Nathanel — Fears sin. Eleazar ben 'Arak — Ever flowing stream.' I wish I could understand specifically each of these compliments — they are obviously intended to suggest something extraordinary; and perhaps to have called Eliezer ben Hyrkanos 'a plastered cistern which loses not a drop,' was more or less what Zeno meant when he compared his successor Cleanthes 'to hard waxen tablets which are difficult to write upon, but retain the characters written upon them.'⁵⁹ But, as I say, while it is not the practice of PA otherwise to include such data regarding the other sages, in the case of the five disciples of Johanan the motive is understandable. But why, after he has introduced them so handsomely, does not the editor begin to quote them, as he does with all other sages? Why before quoting their sayings does he insert the long conversation, especially in a treatise where no other give-and-take is presented,

⁵³ PA 2.8; cf. the idiom in 1.3, 4, 6, 8, 10, 12. ⁵⁴ PA 1.1.

⁵⁵ See the story in Goldin, *Fathers* . . . Nathan 35ff.

⁵⁶ PA 2.8. ⁵⁷ 2.9.

⁵⁸ On the other hand, see how the compiler of Version A of ARN (ch. 18) pp. 66-69 was led by this to draw up additional material (but not of a master describing *disciples*, but of a sage describing his teachers and predecessors, and a sage describing other sages).

⁵⁹ Diogenes Laertius 7.37 (II 149).

halakic or haggadic? And since this is not the only question raised by the long passage, perhaps it would be wise to quote it, so that we may see vividly what the problems are:⁶⁰

Rabban Johanan said to them: Go forth and see which is the right way to which a man should cleave.

Rabbi Eliezer replied: A liberal eye.

Rabbi Joshua replied: A good companion.

Rabbi Jose replied: A good neighbor.

Rabbi Simeon replied: Foresight.

Rabbi Eleazar replied: Goodheartedness.

Said Rabban Johanan ben Zakkai to them: I prefer the answer of Eleazar ben 'Arak, for in his words your words are included.

Rabban Johanan said to them: Go forth and see which is the evil way which a man should shun.

Rabbi Eliezer replied: A grudging eye.

Rabbi Joshua replied: An evil companion.

Rabbi Jose replied: An evil neighbor.

Rabbi Simeon replied: Borrowing and not repaying; for he that borrows from man is as one who borrows from God, blessed be He, as it is said, 'The wicked man borrows and does not repay, but the just man shows mercy and gives' (Ps. 36.21; MT 37.21).⁶¹

Rabbi Eleazar replied: Meanheartedness.

Said Rabban Johanan to them: I prefer the answer of Eleazar ben 'Arak, for in his words your words are included.

There it is, a conversation (as I said) unlike anything else in PA, and only after it has been reported, are we offered the sayings of these sages. As one reads it, not only must he ask, what in the world is it doing here, but he cannot escape at least two other questions. First, what are these men talking about? True, their master had asked them about the right way, or course, to which a person ought to cling, and they had offered their replies. But is it not fantastic that these men, the best disciples Johanan ben Zakkai had—Johanan ben Zakkai who had been quoted a paragraph or so before⁶² as the author of the saying, 'If thou hast wrought much in the study of Torah take no credit to thyself, for to this end wast thou created,' and as ARN added,⁶³ 'for men (*haberiyo*t) were created only on condition that they study Torah'—is it not fantastic that, when the best disciples of such a master, leading sages in Israel, are asked about the right course to which a man should cleave, not even one of them suggests in his answer something connected with Torah?

⁶⁰ PA 2.9; for the translation cf. J. Goldin, *Living Talmud: the Wisdom of the Fathers* (Chicago 1958) 99.

⁶¹ With St. Augustine's comment on this verse, 'Quid si pauper est' etc. (CCL 38.355f.), cf. ARN 48 and 57, and Maimonides' Code, *Mishneh Torah*, Sefer Zera'im, Hilkot Matnot 'Aniyyim X (and note X,4).

⁶² PA 2.8.

⁶³ p. 58; and see also Version B of ARN, 66.

Jewish sages without a word about the Torah? Second, what is the meaning of asking first about the right way and then about the evil way, and then the answers which are simply the negation of the former affirmations? What have I learned from the second conversation that I did not already learn from the first one?

That the ancients already found this passage something of a serious problem is evident from the way it is preserved in ARN.⁶⁴ To give only a couple of examples: In PA Johanan had asked, which is the right way to which a man should cleave. In ARN, his question appears as, 'Which is the good way to which a man should cleave, *so that through it he might enter the world to come?* . . . Which is the evil way which a man should shun, *so that he might enter the world to come?*' In other words, 'the world to come' has suddenly made an entrance. Or again: In PA, to the first question Rabbi Jose had replied, A good neighbor, and to the second question, An evil neighbor. In ARN on the other hand, he seems to have grown a little more garrulous in his answers. To the first question he replies, 'A good neighbor, a good impulse (*yeṣer tob*), and a good wife'; to the second, 'An evil neighbor, an evil impulse, and an evil wife.'⁶⁵ These are not the only variants; study of the parallel passages will reveal interesting variants in Eleazar ben 'Arak's answer too.

The answers of the disciples are far from clear, but if we wish to capture something of the meaning of this exchange between Johanan and his disciples, it is terribly important to listen to his question with utmost attention. Johanan did not ask a trivial question, nor did he express himself carelessly. He asked about the way to which a man should 'cleave,' *dabaq*. Properly to feel the force of this verb *dabaq*, one might compare Johanan's question with the almost identical — *almost* but not entirely — question later raised by Judah the Prince, the redactor of the Mishnah, also quoted in the second chapter of PA — indeed he is the first sage cited there.⁶⁶ Judah asks: 'Which is the right course that a man ought to *choose* (*she-yabor*) for himself?' But Johanan speaks not just of choice, but of *cleaving*. That the Hebrew sources take the verb *dabaq*, cleave, very seriously, can be demonstrated by a number of texts. The biblical verse (Deut. 11.22) exhorts, 'to love the Lord your God, to walk in all His ways, and to cleave (*προσκολᾶσθαι*) unto him (*adhaerentes ei*).'⁶⁷ At which the tannaite midrash, the *Sifre*, exclaims:⁶⁷ 'But how is it possible for a human being to ascend on high and cleave to the Fire?' Even in Scripture the verb *dabaq* has a fervor to it; here is Jeremiah (13.11) expressing himself: 'For as the girdle cleaveth (*yidbaq ha-'ezor*, *κολλᾶται*) to the

⁶⁴ p.58.

⁶⁵ And note the reading of Version B, 59.

⁶⁶ PA 2.1, beginning; cf. Version B of ARN, 70.

⁶⁷ Ad Deut. 49, ed. Finkelstein 114.

loins of a man, so have I caused to cleave unto Me (*hidbaqli'elai*, ἐκόλλησα) the whole house of Israel and the whole house of Judah, saith the Lord.' (*Sicut enim adhaeret lumbare ad lumbos viri, sic agglutinavi mihi omnem domum Juda, dicit Dominus.*) That the Midrash is fully sensitive to this verse can be seen in the Tanhuma comment on Lev. 19.2:⁶⁸ 'Be ye holy! Why? For I am holy, for it is said, "As the girdle cleaveth to the loins of a man," etc.' 'Let him kiss me with the kisses of his mouth' (*Osculetur me osculo oris sui*), says the poet of Canticles (Cant. 1.1, MT 1.2); and the Midrash in its homiletical pun explains, 'Let Him kiss me, let Him cause me to cleave to Him (*yishaqeni, yadbqeni*).'⁶⁹

So long as we are lingering over the word *dabaq*, 'cleave,' I hope it is not out of place to call attention to one more point, especially for the benefit of Hebraists. According to our sources, both PA and ARN, the question Johanan asked was: What is the way (or, course) to which a man should cleave *דבקה בזה הדרך* שידבק בזה הדרך? In other words, he is speaking of *cleaving to a way*. But though *dabaq* is not a rare word in Scripture, nowhere does such an expression occur — and not only in Scripture, but at least for the time being, in none of the documents from the Dead Sea. A man cleaves to his wife,⁷⁰ the tongue cleaves to the roof of the mouth,⁷¹ one cleaves to the truth and good deeds and the testimonies of the Lord,⁷² curses cleave to a man,⁷³ and Ps. 62.9 (MT 63.9) offers even 'My soul cleaveth unto Thee' (*Adhaesit anima mea post te*), literally, after thee, דבקה נפשי אחריך (cf. LXX 62.9, ἐκολλήθη ἡ ψυχὴ μου πρὸς σοὺ); as we have seen, there are those who cleave

⁶⁸ Ed. Buber, III 37b.

⁶⁹ *Canticles Rabba* 1.2, 6. For the pun on the verb *nashaq ad loc.* see the commentators. On the intensity of the expression in Cant. see also Origen's Commentary (Origen, *The Song of Songs, Commentary and Homilies*, trans. R. P. Lawson [Ancient Christian Writers 26; London 1957] 60): 'But, since the age is almost ended and His own presence is not granted me, and I see only His ministers ascending and descending upon me, because of this I pour out my petition to Thee, the Father of my Spouse, beseeching Thee to have compassion at last upon my love, and to send Him, that He may now no longer speak to me only by His servants the angels and the prophets, but may come Himself, directly, and kiss me with the kisses of His mouth — that is to say, may pour the words of His mouth into mine, that I may hear Him speak Himself, and see Him teaching. The kisses are Christ's, which He bestows on His Church when at His coming, being present in the flesh, He in His own person spoke to her the words of faith and love and peace, according to the promise of Isaiah who, when sent beforehand to the Bride, had said (cf. Isa. 33.22): *Not a messenger, nor an angel, but the Lord Himself shall save us.*' Cf. also S. Lieberman, *Yemenite Midrashim* (Jerusalem 1940) 14.

⁷⁰ Cf. Gen. 2.24.

⁷¹ Ps. 136.6 (MT 137.6).

⁷² *Dead Sea Scrolls II 2: Manual of Discipline*, ed. M. Burrows (New Haven 1951) Plate I, line 5; *Thanksgiving Scroll*, ed. J. Licht (Jerusalem 1957) 202; Ps. 118.31 (MT 119.31).

⁷³ *Dead Sea Scrolls II*, Plate II, lines 15 f.; *Zadokite Documents*, ed. C. Rabin (Oxford 1958) 5.

to the Lord (cf. Deut. 4.4; LXX, Ὑμεῖς δὲ οἱ προσκείμενοι [!] κυρίῳ, *Vos autem qui adhaeretis Domino Deo vestri*). But nowhere else will one find this combination רבב ברך — nowhere else, that is, except in a statement of old exegetes whom the tannaite sources call *Doreshe Reshumot* or *Doreshe Haggadol*. Lauterbach once called them the Allegorical Interpreters.⁷⁴ Be that as it may, the exegesis of these anonymous teachers is of a figurative-speculative kind. And it is in one of their comments, preserved in the tannaite *Sifre*⁷⁵ that the following occurs: 'If it is your wish to recognize (acknowledge?) Him at whose utterance the world came into being,⁷⁶ study Haggadah — for thus you come to recognize God and cleave to His ways' רבב ברך — ומה.

The term *dabaq* then is no ordinary term, and it was no ordinary question Johanan asked, and the give-and-take with his disciples was no ordinary conversation. The idiom reveals a certain intensiveness, a certain *fervor*, and this is the telling thing. It is the idiom which suddenly summons up remembrances of a mood and a tone of voice which were current in Hellenist circles. As Nock wrote three decades ago:⁷⁷

... this idea [that devotion to philosophy would make a difference in a man's life] was not thought of as a matter of purely intellectual conviction. The philosopher commonly said *not* 'Follow my arguments one by one, check and control them to the best of your ability; truth should be dearer than Plato to you,' but 'Look at this picture which I paint, and can you resist its attractions? Can you refuse a hearing to the legitimate rhetoric which I address to you in the name of virtue?' Even Epicurus says in an argument, 'Do not be deceived, men, or led astray; do not fall. There is no natural fellowship between reasonable beings. *Believe me*, those who express the other view deceive you and argue you out of what is right. Epictetus, II, 19, 34 also employs the same appeal, *Believe me*, and counters opponents by arguments which appeal to the heart and not to the head. Inside the schools, at least inside the academic school, there was an atmosphere of hard thinking, of which something survives in the various commentaries on Aristotle. Yet even in the schools this was overcast by tradition and loyalty. ... The philosophy which addressed itself to the world at large was a dogmatic philosophy seeking to save souls.

⁷⁴ See J. Z. Lauterbach, 'The Ancient Jewish Allegorists in Talmud and Midrash' in *Jewish Quarterly Review* N. S. 1 (1910-11) 291-333, 503-31.

⁷⁵ *Ad* Deut. *loc. cit.*, and note *ibid.* the variant readings in the critical apparatus.

⁷⁶ Literally, 'Him who spake and the world (*ha-'olam*) came to be.' I would like to call special attention to the variants 'The Holy One, blessed be He' and 'thy Creator' recorded by Finkelstein, *ad loc.* (I neglected to do this in the Hebrew version of this study), for if these *doresh haggadol* are pre-70 A.D., they did not use *ha-'olam* for 'world'. See my note 39 in 'Of Change and Adaptation in Judaism' in *History of Religions*, 4 (Chicago 1965) 283.

⁷⁷ *Conversion* 181. And see also H. I. Marrou, *History of Education in Antiquity* (New York 1956) 206.

This is the mood of our PA passage, and this is the mood of Johanan's question, which I believe can almost be rendered in the words from Diogenes Laertius, *τί πράττων ἄριστα βιώσεται*.⁷⁸ It was then a philosophical question Johanan asked; and first he asked which is the right way, and then which is the evil way. In other words, what is he doing? He formulates his question first in the positive, then in the negative, one way and its opposite. And when his disciples replied, as we saw, they did the same thing (to Simeon's answer we shall get shortly), one way and its opposite: liberal eye, grudging eye (עין רעה, עין טובה); good companion, evil companion; good neighbor, evil neighbor; goodheartedness, meanheartedness (*leb tob, leb ra*').

It will now be instructive to review the summary of Stoic teaching drawn up by Diogenes Laertius⁷⁹ (of which Hicks says,⁸⁰ by the way, 'the summary of Stoic doctrine in Book VII (39-160) is comprehensive and trust worthy'):

Amongst the virtues (*τῶν ἀρετῶν*) some are primary, some are subordinate to these. The following are the primary: wisdom, courage, justice, temperance. Particular virtues are magnanimity, continence, endurance, presence of mind, good counsel.

Similarly, of vices (*τῶν κακιῶν*) some are primary, others subordinate: e. g., folly, cowardice, injustice, profligacy are accounted primary; but incontinence, stupidity, ill-advisedness subordinate. Further, many hold that the vices are forms of ignorance of those things whereof the corresponding virtues are the knowledge. . . .

Another particular definition of good which they give is 'the natural perfection of a rational being *qua* rational.' To this answers virtue and, as being partakes in virtue, virtuous acts and good men; also its supervening accessories, joy and gladness and the like. So with evils: either they are vices, folly, cowardice, injustice, and the like; or things which partake of vice, including vicious acts and wicked persons as well as their accompaniments, despair, moroseness, and the like.

Again, some goods (*τῶν ἀγαθῶν*) are goods of the mind, and others external, while some are neither mental nor external. The former include the virtues and virtuous acts; external goods are such as having a good country or a good friend, and the prosperity of such. Whereas to be good and happy oneself is of the class of goods neither mental nor external. Similarly of things evil (*τῶν κακῶν*) some are mental evils, namely, vices and vicious actions; others are outward evils, as to have a foolish country or a foolish friend and the unhappiness of such; other evils again are neither mental nor outward, e. g., to be yourself bad and unhappy.

Again, goods (*τῶν ἀγαθῶν*) are either of the nature of ends or they are the means to these ends, or they are at the same time ends and means.

⁷⁸ 7.2 (Loeb Classics II, 110). And cf. Marrou, *op. cit.* 209: 'The more the Graeco-Roman period advances, the more important the moral aspect becomes, until it is the essential if not the only object of the philosopher's speculation and activity and whole life.'

⁷⁹ 7.92 ff. (II 199 ff., Hicks' translation)

⁸⁰ In his introduction, p. xx.

A friend and the advantages derived from him are means to good, whereas confidence, high-spirit, liberty, delight, gladness, freedom from pain, and every virtuous act are of the nature of ends.

The virtues (they say) are goods of the nature at once of ends and of means. On the one hand, in so far as they cause happiness they are means, and on the other hand, insofar as they make it complete, and so are themselves part of it, they are ends. Similarly of evils (τῶν κακῶν) some are of the nature of ends and some of means, while others are at once both means and ends. Your enemy and the harm he does you are means; consternation, abasement, slavery, gloom, despair, excess of grief, and every vicious action are of the nature of ends. Vices are evil both as ends and as means, since insofar as they cause misery they are means, but insofar as they make it complete, so that they become part of it, they are ends. . . .

. . . . Of the beautiful (τοῦ καλοῦ) there are (they say) four species, namely, what is just, courageous, orderly and wise. . . . Similarly there are four species of the base or ugly (τοῦ αἰσχροῦ), namely, what is unjust, cowardly, disorderly, and unwise. . . .

Goods (Ἀγαθά) comprise the virtues of prudence, justice, courage, temperance, and the rest; while the opposites of these are evils (κακά), namely, folly, injustice, and the rest.⁸¹ . . . To benefit (ὠφελεῖν) is to set in motion or sustain in accordance with virtue; whereas to harm (βλάπτειν) is to set in motion or sustain in accordance with vice. . . .

. . . Things of the preferred class (προηγμένα) are those which have positive value, e. g. amongst mental qualities, natural ability, skill, moral improvement, and the like; among bodily qualities, life, health, strength, good condition, soundness of organs, beauty, and so forth; and in the sphere of external things, wealth, fame, noble birth, and the like. To the class of things 'rejected' (ἀποπροηγμένα) belong, of mental qualities, lack of ability, want of skill, and the like; among bodily qualities, death, disease, weakness, being out of condition, mutilation, ugliness, and the like; in the sphere of external things, poverty, ignominy, low birth, and so forth. . . .⁸²

Again, of things preferred some are preferred for their own sake, some for the sake of something else, and others again both for their own sake and for the sake of something else. . . . And similarly with the class of things rejected under the contrary heads. . . .

Befitting acts (καθήκοντα)⁸³ are all those which reason prevails with us to do; and this is the case with honoring one's parents, brothers and country, and intercourse with friends. Unbefitting, or contrary to duty (παρὰ τὸ καθήκον) are all acts that reason deprecates, e. g. to neglect one's

⁸¹ Since at this point Diogenes presents also the view of those who believe that in addition to the good and evil, there is also the neutral, he adds that neutral (neither good nor evil) 'are all those things which neither benefit nor harm a man: such as life, health . . . and the like. This Hecato affirms in his *De fine* book vii,' etc. Cf. Diogenes on Plato in 3.102 (II 365-66).

⁸² Here too Diogenes adds: 'But again there are things belonging to neither class; such are not preferred, neither are they rejected.' Cf. preceding note.

⁸³ Cf. Diogenes 7.108: 'Zeno was the first to use this term καθήκον of conduct'; and see Hicks' note *ad loc.*

parents, to be indifferent to one's brothers, not to agree with friends, to disregard the interests of one's country, and so forth . . .⁸⁴

Surely this is enough, more than enough. The summary of Stoic ethics has manifestly been drawn up along a certain line, first the positive, then the negative, first in terms of the good and then immediately thereafter in terms of the evil. I am in no position to say whether this pattern or idiom is unique to the Stoics, especially when I recall some sections in the *Republic*, for example;⁸⁵ and I would indeed be grateful to classicists if they could inform me whether such a style is characteristic of study and discussion in Hellenistic schools generally. But it is impressive, is it not, that only in Diogenes' summary of *Stoic* teaching, and in no other summary of his (including the long presentation of Epicurean teaching),⁸⁶ is this style so distinct. Whatever else one may wish to conclude, this at least seems to me legitimate — that in Stoic circles defining and discussing were carried on in this style, first the one term, and then its opposite.

And this is precisely the form of the give-and-take between Johanan and his disciples, first the good course, and then the evil course. It is a philosophical *façon de parler* Johanan is using. And since it was a philosophical question he had asked, as we saw earlier in our analysis of the idiom of his question, his disciples answered him in the philosophical way, first the positive, then the negative. Since it was a philosophical question, his disciples answered in characteristic philosophical terms — and that is why not one of them even bothered to refer to Torah. And since it was an important session, though nothing like it occurs elsewhere in the treatise, the editor of PA preserved the record of it, put it down right after he had recounted the praises of the disciples — but before he cites their sayings. It is as though the editor were asserting: You see, not only did their master Johanan testify to the greatness of these men, but here is a transcript of a very significant session conducted in their academy. Only after all this does the editor begin to cite them — and significantly enough, these sayings are introduced by the very formula he had used in introducing the Men of the Great Assembly, the first spokesmen of the Oral Torah: 'and they said three things.'⁸⁷

One more point, and then we shall arrive at the conclusion. We noted that the disciples had replied to Johanan's questions first positively, and

⁸⁴ Cf. notes 81-82 *supra*.

⁸⁵ Cf. 3.400; 4.442-43; and compare especially 8-9 with the earlier books. See also Diogenes on Plato, 3.103ff. (II 367f.).

⁸⁶ ' . . . Book X is made up largely of extracts from the writings of Epicurus, by far the most precious thing preserved in this collection of odds and ends' (Hicks in his Introduction, p. xx).

⁸⁷ Cf. PA 1.1 and 2.10, ARN 59, and see C. Taylor, *Sayings of the Jewish Fathers* II 144 (and the duplication is *not* to be preferred).

then negatively: 'Liberal eye, grudging eye; good companion, evil companion; good neighbor, evil neighbor; goodheartedness, meanheartedness.' So the answers of four of the disciples. But what of the reply by Simeon ben Nathanel? To the first question, what is the good course, he had replied, 'Foresight'; to the second question, what is the evil course, he had replied, 'Borrowing and not repaying.' Many a commentator has insisted, and probably correctly, that since the other four replies were in the fixed form of Johanan's question, of positive and negative, the same must no doubt be true of Simeon's reply. This stands to reason. But one thing we surely cannot fail to recognize:

But speaking of this very thing, justice, are we to affirm thus without qualification that it is truth-telling and *paying back what one has received* from anyone . . . ? I mean, for example, . . . if one took over weapons from a friend who was in his right mind and then the lender should go mad and demand them back, that we ought not to return them in that case and that he who did so return them would not be acting justly. . . . Then this is not the definition of justice: to tell the truth and return what one has received.

'Nay, but it is, Socrates,' said Polemarchus breaking in, 'if indeed we are to put any faith in Simonides' . . .

'Tell me, then, . . . what is it that you affirm that Simonides says, and rightly says about justice.' 'That it is just,' he replied, 'to render to each his due (*δοῦναι ἑκάστῳ τὸ αὐτοῦ δίκαιον*). In saying this I think he speaks well.'

'I must admit,' said I, 'that it is not easy to disbelieve Simonides. For he is a wise and inspired man. . . .'⁸⁸

To be sure, Socrates is being ironic, but Simonides' definition was, as we know, the current and generally accepted one. As Shorey remarks in his note: 'Owing to the rarity of banks "*reddere depositum*" was throughout antiquity the typical instance of just conduct.' And see also what Shorey cites as regards Stoic terminology.⁸⁹

At least therefore in one of his answers, Simeon is echoing the kind of opinion that one overheard in the schools of the larger world outside the rabbinic academy. And perhaps 'foresight' is, as some commentators suggest, the opposite of *reddere depositum*.⁹⁰

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⁸⁸ Plato, *Republic* 1, 331D-E, ed. P. Shorey (Loeb Classics I 20f.); cf. Diogenes Laertius 3.83 (I 351).

⁸⁹ p. 22 note a. And cf. the citation from Stobaeus (*ἀπομνημονεύματα τῆς ἀξίας ἐκάστου*) and the note in A. C. Pearson, *The Fragments of Zeno and Cleanthes* (London 1891) 175.

⁹⁰ See, e.g., *Midrash Shemuel* of Samuel ben Isaac of Uḡeda (XVI cent.) (New York 5705 [1935]) 71f. Interestingly enough, in B. Tamid 32a 'foresight' is the answer given by the elders (sages) of the south to Alexander the Great!

What does all this add up to? In a sense, not very much. We certainly have no evidence that the Palestinian Jewish sages read Plato or Zeno, much less studied them. But one result seems to me inescapable: living in the Hellenistic-Roman world the Tannaim could not remain unaffected by that world. It is not simply a matter of loan words; it is something much more profound. Not only did the Palestinian sages appropriate the terminology for some hermeneutic rules from the Hellenistic rhetors,⁹¹ but inside the *bet ha-midrash*, the rabbinic academy, apparently one did take up from time to time philosophical questions, and one did attempt to answer these questions in the current philosophical idiom. Study of the Law of course remained paramount. But along with such activity went an awareness, at least in the School of Johanan ben Zakkai, of the subject and style popular in intellectual circles generally.

One thing should not mislead us. The fact that in a number of stories the *philosophos* is bested in his encounter with the rabbi,⁹² indicates nothing more than a typically recurring popular attitude: anything they can do, we can do better. This is not anti-philosophy as such; indeed, there is in such stories a distinct acknowledgment that among the Gentiles the wisest are the philosophers; but of course the *hakam* is superior since he is a master of the Torah.⁹³ Such stories are in spirit and intent like those anec-

⁹¹ See on this the important researches of S. Lieberman, *Hellenism in Jewish Palestine* 28-114.

⁹² E.g., *Genesis Rabba* 1.9, ed. Theodor-Albeck 8. Note indeed the subject of their discussion: was Creation *ex nihilo* or not?

⁹³ See the real note of respect in the story told in *Derek 'Ereṣ*, *Pirke Ben 'Azzai*, Ch. 3, ed. Higger 183 ff. (and note the literature he cites on 184f.).

The statement by Rabbi Abba bar Kahana (*Gen. R.* 65.19, p. 734, and parallels) that the greatest philosophers among the nations of the world were Balaam and Oenomaus of Gadara cannot seriously illuminate what was or was not known by first-century Tannaim, particularly before the destruction of the Temple in 70 A. D. (see below n. 95): Abba bar Kahana is a third generation Amora (in other words, late III cent. and early IV cent. A. D.)! Certainly Rabbi Me'ir (the second-century Tanna) in his relationships with Oenomaus is downright warm (see briefly on this *Jewish Encyclopedia*, 9.386). But much, much more to the point (and perhaps therefore I would do well not to sound so condescending towards Abba bar Kahana and his information): In the second century to have regarded Oenomaus as nothing less than outstanding is the very reverse of being philosophically not knowledgeable; see for example the discussion on the Cynics — their influence and their intellectual-spiritual role — in S. Dill, *Roman Society from Nero to Marcus Aurelius* (London 1904) 359 ff., and particularly the references in his notes. As for some early Christians (cf. Dill 361), for Jewish Sages, too, much in what Cynics preached would be a joy indeed. Observe, for example, Dill (and his references!) 363: '[The Cynics] were probably the purest monotheists that classical antiquity produced. . . . The most fearless and trenchant assailant of the popular theology among the Cynics was Oenomaus of Gadara, in the reign of Hadrian. Oenomaus rejected, with the frankest scorn, the anthropomorphic fables of heathenism. In particular, he directed his fiercest attacks against the

notes in the first chapter of the Midrash on Lamentations where an Athenian, in other words, one universally reputed to be particularly clever, is outwitted by Jerusalemites, and even by youngsters of Jerusalem.⁹⁴ In no way do such stories demonstrate that philosophy, and the current manner of discussing what was generally regarded as philosophical questions, were repugnant to the talmudic sages and therefore were excluded from the rabbinic academy. Whether professional philosophers would have been impressed by the level or range of philosophical discussion inside the rabbinic academy is beside the point: it would be like asking what a Kant would think of various courses offered by many collegiate departments of philosophy. No one is suggesting that the talmudic sages were technical philosophers. But the popular terms and ethical themes of dominant Hellenistic philosophical speculations were not alien at least to the circle around Johanan ben Zakkai. He and his disciples did not shun either the subject or the style.⁹⁵ Their place of meeting was of course the *bet ha-midrash*, but inside it they found the spaciousness for the study of Scripture and the study of Mishnah, the dialectic of Law and the contemplation of mystic lore, the engagement with the dogmas of Revelation and the deliberations of philosophy.

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revival of that faith in oracles and divination which was a marked characteristic of the Antonine age.' And more to the same effect on p. 364 (let alone p. 361, 'With rare exceptions, such as *Oenomaus of Gadara* [my italics] they seldom committed their ideas to writing'). So then, R. Me'ir — of the Antonine age! — is really up to what this effective philosopher is deeply concerned with; the Tanna need not at all be presumed to be ignorant of the ideas of the popular philosopher. Questions like, Is Oenomaus of the stature of a Plato or Aristotle in the history of philosophy, have nothing to do with the case; cf. above, p. 3 and notes *ad loc.* and pp. 19. Surely Seneca was no philosophical illiterate; and what does he say of Demetrius? 'Vir meo iudicio *magnus etiam si maxinis comparetur*' (quoted by Dill 362)! (Quintilian's stricture, 10.1.128, Loeb Classics IV 73, that 'Seneca had many excellent qualities, a quick and fertile intelligence with great industry and wide knowledge, though as regards the last quality he was often led into error by those whom he had entrusted with the task of investigating certain subjects on his behalf,' is hardly a disqualification in our present context. One: apparently Seneca was prepared to accept his assistants' judgments. Two: at least we can discover what his assistants regarded as intellectually respectable. And this is surely relevant to our immediate study.)

Finally, to speak of Balaam as a philosopher clearly reflects not a discrediting of philosophy, but a more than average respect for it — for not only is Balaam the recipient of divine revelations recorded in Scripture, but he is likened to Moses for the Gentiles: cf. *Sifre Deut.* 357 on Deut. 34.10, ed. Finkelstein 430, *Midrash Tannaim* 227. There is even a tradition that, like other eminent personages, Balaam was born circumcised, ARN 12.

⁹⁴ *Lamentations Rabba* on Lam. 1:1; cf. ed. Buber 23b ff.

⁹⁵ That the give-and-take recorded in PA 2.9 took place before Johanan withdrew to Jamnia is clear from an analysis of the sources; see also G. Alon, *Studies in Jewish History* [Heb.] I (Tel Aviv 1957) 261f. (and the text, *ibid.* should be corrected when it speaks of Eleazar ben Azariah, to Eleazar ben 'Arak).

21.

SOME ASPECTS OF AFTER LIFE IN EARLY RABBINIC LITERATURE¹

by SAUL LIEBERMAN

I

Posthumous Divine Retribution

THE BABYLONIAN TALMUD STATES (*Shabbath* 30b): The sages wished to suppress the book of Ecclesiastes, because its words are self-contradictory. However, they did not do this, because the beginning and the end of the book are the words of the Torah etc., as it is written (Eccl. 12:13), *the end of the matter, all having been heard: fear God, and keep His commandments*. In the *Midrash* we read:² The Sages wanted to suppress the book of Ecclesiastes, because they found in it ideas which leaned towards heresy etc. Is there

¹ We are mainly concerned with Palestine of the first five centuries C.E., and the relevant non-Jewish literature is therefore Greek and Latin, irrespective of what the ultimate origin of their contents may be.

We deliberately avoided detailed discussion of the nature of the soul, its immortality and the resurrection of the flesh. Jewish and Christian views in this domain are mostly identical. Those problems must be treated separately, with an eye on Jewish-Hellenistic and Christian apologists who were well acquainted with Greek philosophy.

Abbreviations:

BT = Babylonian Talmud.

JQR = Jewish Quarterly Review.

MGWJ = Monatsschrift für Geschichte und Wissenschaft des Judenthums.

PG = Patrologia Graeca.

PT = Palestinian Talmud.

REJ = Revue des Études Juives.

SB = H. L. Strack and P. Billerbeck, Kommentar zum Neuen Testament aus Talmud und Midrasch.

² Vayyikra Rabba xxviii, 1, ed. Margulies, p. 649, and parallels referred to *ibid*.

neither justice nor judge? When, however, he (i.e. Solomon, the author of Ecclesiastes) said (ibid. 11:9), *but know thou, that for all these things God will bring thee into judgment*, they admitted that he had spoken well.

This is indeed a cardinal principle of ancient rabbinic Judaism: "Fear God and keep His commandments," "God will bring thee into judgment." If a man does not believe in posthumous divine retribution he is a heretic. However, the form of this retribution is open to different interpretations. The *Mishnah* teaches: The judgment of the wicked in Gehenna shall endure twelve months ('*Eduyyoth* II.10). The disciples of Balaam the Wicked will inherit Gehenna, and go down into the pit of destruction etc., as it is written (Ps. 55:24), *But Thou, O God, shalt bring them down into the pit of destruction* etc. (*Aboth* V.19). The very grave sinners, like *משומדים*, apostates, etc. will remain there for ever.³

These earlier rabbinic sources and many others do not portray the topography of Gehenna in its details, its dimensions, compartments, divisions and subdivisions. They do not mention the refined tortures of Gehenna, their minutiae, and the ramified penal code which governs Hades. The rabbis certainly lacked neither the imagination nor the legal mind required for such descriptions.⁴ Indeed the great Nachmanides was at a loss as to how to treat the later traditions, but he finally concluded that we should accept them.⁵

Some of the rabbis deny the very existence of Gehenna as an objective reality.⁶ There is also no agreement among the sages (who accept the existence of Gehenna) about its location as we shall presently demonstrate. The prevalent Jewish opinion is that Gehenna is located in the depths of the earth. This is the

³ Comp. *Tosefta Sanhedrin* xiii. 5, and parallels.

⁴ On rabbinic sources dealing with Gehenna see Lieberman, *Louis Ginzberg Jubilee Volume*, Hebrew part, p. 249 ff.; idem *Shkiin* (Hebrew), p. 33 ff.

⁵ See *Torath ha-Adam, Sha'ar ha-Gemul*, ed. Venice 1595, 97 c.

⁶ See *Bereshith Rabba* vi.6, ed. Theodor, pp. 46-47 and parallels. From BT 'Abodah Zarah 3b and Nedarim 8 b it appears that the rabbis have in mind the Messianic era only.

most ancient and the most wide-spread view among all other nations. Some of the rabbis mention its exact location in the subterranean world.⁷ But in the Palestinian Talmud there is no indication that Gehenna is placed in the depths of the earth.⁸

Two views on this subject are reported in the Babylonian Talmud (*Tamid* 32b). One places Gehenna above the *Raki'a* (see below), and the other behind the Mountains of Darkness. The *Raki'a*, according to the rabbis, is the second heaven where the sun and the planets are inserted.⁹ It can not be argued from this that the rabbis were aware of the system of the interplanetary inferno of the Greeks.¹⁰ It was probably a popular belief of Oriental origin.¹¹ A later *Midrash* (cited in *Yalkut Shimeoni* I. 44) mentions the virgin Istahar (איסטחר) who became a star in reward for her resistance to sin.¹² The name Istahar is most probably identical with that of Ištar, the Assyro-Babylonian goddess associated with Venus. Similarly a fragment of an epitaph with Jewish symbols preserves the inscription ACTHP.¹³ I accept Cumont's conjecture¹⁴ that ἀστὴρ is not a proper name, but the Greek "star," i.e. that the dead person became a star, as in our *Midrash* (which is of a late origin). There is no reason to assume that the rabbis were really familiar with the details of "catasteristic" immortality.¹⁵ It is merely a popular belief which they learned from their pagan neighbors, or a remnant of a Jewish apocryphon. Moreover, the

⁷ See BT 'Erubin 19 a. Comp. L. Ginzberg, *Legends of the Jews*, v, p. 19, n. 55.

⁸ See PT *Haggigah* II. 2, 77 d and parallel; *ibid.* *Sanhedrin* x. 3, 29 b. Comp. *ibid.* *Haggigah* II. 1, 77 c and BT *ibid.* 15 b. For non-rabbinic Jewish sources, see SB, *Exkurse* etc., p. 1030 ff.

⁹ See *Aboth deR. Nathan* XXXVII, ed. Schechter, p. 110; *Bereshith Rabba* vi. 6, ed. Theodor, p. 45; BT *Haggigah* 12b.

¹⁰ See F. Cumont, *Lux Perpetua*, p. 181, n. 3; *ibid.* p. 345.

¹¹ See Test. of Levi III: 2; 2 Enoch 7:1 ff., 18:1 ff. Comp. also Cumont *ibid.*, p. 344; *idem*, *Recherches sur le Symbolisme Funéraire* etc., p. 130-131 (hereafter = *Symbolism*).

¹² Comp. S. Spiegel, *L. Ginzberg Jubilee Volume*, p. 341, n. 1. On Ištar's "chastity" see *Gilgamesh* VI, 44 ff.

¹³ Frey, *Corp. Ins. Iud.* I, p. 241, No. 306.

¹⁴ *Symbolism*, p. 395 ff.

¹⁵ See Cumont *ibid.* pp. 116, 183, 496; *idem Lux Perpetua* p. 183.

idea that the just and the pious will shine as the stars in heaven is already found in Daniel (12:2-3) and in many Jewish Hellenistic writers.¹⁶ The transition from "like a star" to "an actual star" is quite natural.

We shall now turn to the other view that Gehenna is located behind the Mountains of Darkness.¹⁷ From many sources it is obvious that the rabbis placed the Mountains of Darkness at the end of the earth¹⁸ which they situated somewhere in Africa.¹⁹ There, behind the gates of the earth, beyond its limits, the rabbis placed both hell and paradise.²⁰ Or as Homer puts it (*Od.* IV.564): But to the Elysian plain and *the bounds of the earth* will the immortals convey thee.²¹

Now the medieval authorities²² quote from a lost *Midrash* that "Rebecca saw Isaac walking [like in a mirage] with his head down and his legs up, just as those who come from paradise." Another medieval source²³ puts it: "And he (i.e. Isaac) was coming like the dead who walk with their legs up." This belief apparently goes back to early sources,²⁴ as indicated by the above mentioned medieval books.

We may therefore assume that "behind the Mountains of Darkness" (where the rabbis placed hell and paradise) is nothing else than the astronomic *ὑπόγειον*. In this *hypogeion* some "philosophers" located Hades.²⁵ The learned men who peopled

¹⁶ *Symbolism*, p. 494 ff. Comp. also P. Volz, *Die Eschatologie d. jüdischen Gemeinde* etc. p. 399 ff.

¹⁷ Comp. I Enoch 17:7 and below n. 19.

¹⁸ See my notes to the *Pesikta deR. Kahana*, ed. Mandelbaum, p. 474. Comp. Budge, *The Egyptian Heaven and Hell* (London, 1925), III, p. 88 ff.

¹⁹ See BT *Tamid* 32 a, and Theodor's notes in *Bereshith Rabba*, p. 301.

²⁰ *Tamid* 32 b, Comp. Budge *l.c.* Comp. also A. Heidel, *The Gilgamesh Epic* etc., p. 171 (see p. 157 *ibid.*).

²¹ ἀλλά σ' ἐξ Ἡλύσιον πεδίων καὶ πείρατα γαίης ἀθάνατοι πέμψουσιν.

²² זקנים מושב on Gen. 24:65, ed. Sassoon, p. 35, and *Pa'aneah Raza* to the same verse.

²³ *Tosafoth* Rabbi Judah ben Rabbi Eliezer in זקנים דעת to Gen. 24:65.

²⁴ See BT *Sanhedrin* 65 b, *Vayyikra Rabba* xxvi. 7, ed. Margulies, p. 601.

²⁵ See F. Cumont, *Lux Perpetua* p. 191 ff., p. 195. Comp. however, Budge

the *hypogeion* with living creatures (antipodes) were often ridiculed for assuming that men walk with their legs up and heads down (with regard to our position on earth), like our shadows in water.²⁶ But if the living antipodes were not accepted by the masses, the learned rabbis had no objection to the belief that the *hypogeion* was partly inhabited by the antipodes²⁷, and in its more distant regions, by the dead. They could easily portray Rebecca seeing Isaac coming from the *hypogeion* with his head down, in the manner of the dead who walk this way²⁸ (from the perspective of people in the upper hemisphere).

Finally we shall cite another opinion of the early rabbis regarding posthumous punishment. It is stated in *Aboth deR. Nathan*:²⁹ *And the souls of thine enemies, them shall he sling out as from the hollow of a sling* (I Sam. 25:29) etc., so too the souls of the wicked go זוממרת (see below) and roaming in the world, and they do not know on what they will rest. The word זוממרת which we left untranslated was completely misunderstood by the commentators and translators. However, this word is pivotal for the full understanding of the text. The souls of all dead were often roaming in the world³⁰, but they subsequently returned to their resting places, whereas the souls of the wicked, "do not know on what they will rest." The text makes sense, yet its connection with the verse in Samuel (which mentions the slinging of the souls) lacks the usual point-ness of rabbinic *Haggadic* interpretation. According to some

(above, n. 18), p. 87 ff., but the rabbinic views may not be identical with the Egyptian beliefs.

²⁶ Lucretius, *de rerum nat.* i. 1060 ff.; Lucianus, *Demonax* 22. See Cumont, *Symbolism*, p. 57 ff. p. 58, n. 8.

²⁷ See Plin., *hist. nat.* ii. 65, 161.

²⁸ This has nothing to do with the punishment of the dead to walk head downward, see J.H. Breasted, *Development of Religion and thought in Ancient Egypt* (N.Y. 1912), pp. 283-284.

²⁹ xii, ed. Schechter, p. 50; Comp. *Midrash Tannaim*, ed. Hoffmann, p. 226. BT *Shabbath* 152 b quotes it in the name of Rabbi Eliezer (flourished at the end of the first and the beginning of the second centuries).

³⁰ See *Aboth de R. Nathan* iii, ed. Schechter, p. 16 ff., BT *Berakoth* 18 b, *Pirkei de R. Eliezer* xxxiv, ed. Rabbi David Lurie 79 b.

versions of the Babylonian Talmud (*Shabbath* 152b), the verse in Samuel implies that "one angel stands at one end of the world and another at the other end, and they sling the souls back and forth." Something similar is implied in our text.³¹ The punishment therefore is slinging and whirling the souls in the air.

It is almost certain that the Hebrew verb זמם³² is the exact equivalent of the Greek βομβεῖν, to buzz; one might almost suggest, to zoom. Porphyrius³³ mentioning the Nymphs, souls which the ancients called bees, quotes Sophocles: βομβεῖ δὲ νεκρῶν σμήνοϛ ἐρχεται τ' ἄνω, "A swarm of dead buzz and ascend."³⁴ The buzzing of the bees is rendered in Syriac: אִיךְ דְּבוּרָא זִאמִין הוּר, like bees did they hum³⁵. In our case the souls are being hurled by a sling, and they produce a humming noise when they fly in the air.³⁶

The text should be translated accordingly: "So too the souls of the wicked go on *zooming* and roaming etc." The rabbis wanted to emphasize that the souls are forcefully slung and hurled in the air, and they produce a humming noise as they fly in the air; they are punished by being handled in this way. It appears that the rabbis were thinking of the purgatory in the air where the soul is rolled and tossed by the whirlwinds, whose fierce vortex cleans and rubs off the soul's impurity, enabling it to ascend to heaven.³⁷ The defiled soul is subject to this punishment "until the days of

³¹ *Aboth de R. Nathan* l.c. (above n. 29) which states: he tosses them from place to place. Comp. also *Midrash Tannaim* l.c.

³² The reading זממות is absolutely sure, for it is found in all the manuscripts of BT and *Aboth de R. Nathan* and in *Midrash Tannaim* l.c. — The reading of Rabbi David Kimhi to Sam. 25:29 is a "doctor's" substitution for the misunderstood word. Comp. *Midrash Koheleth Rabba* III. 21 (ed. Romm 12 c).

³³ *De antro Nymph.* 18.

³⁴ See the notes to the *Fragments of Sophocles*, 879, ed. Pearson (1917), p. 75–76.

³⁵ See Payne Smith, *Thesaur. Syr.*, p. 1132, s.v. זם and s.v. זממא Comp. also *Aruch Completum* s.v. זממום and s.v. זממוי. See the variants in *Bereshith Rabba*, ed. Theodor-Albeck, p. 969, line 2, and Lieberman, *Tarbiz* V, (1934), p. 99.

³⁶ Comp. Homer *Od.* VIII. 189: This with a whirl he sent from his stout hand, and the stone zoomed (βόμβησεν δὲ λίθος) as it flew.

³⁷ See the sources cited and referred to by F. Cumont. *Symbolism* p. 129.

her *purification* are fulfilled,³⁸ or as Rabbi Elijah ben Solomon Abraham puts it³⁹: "until the days of her *punishment* are completed."⁴⁰ Yet there is no sufficient ground to place this purgatory mentioned by the rabbis into the context of the Greek speculations.⁴¹

³⁸ Solomon ibn Gabirol, *Keter Malkuth* 30 (Selected Rel. Poems of Solomon Ibn Gabirol, ed. I. Davidson, Philadelphia, 1923, p. 105).

³⁹ *Shebeth Musar* 17, end.

⁴⁰ Those rabbis have in mind the *Mishnah* ('*Eduyyoth* II. 10) which limits the punishment of the wicked in Gehenna to twelve months only.

⁴¹ Prof. I. Baer (Hebrew quarterly *Zion*, vol. xxx-xxiv, 1958-1959, p. 9, n. 14) deduced from the passage cited above (in the text) that the rabbis knew the theory of *metempsychosis*. His reasoning is beyond the scope of my comprehension. Prof. G. Scholem is undoubtedly right (ראשית הקבלה, p. 45 ff.) in his postulation that the doctrine of the transmigration of the soul is not to be found in early rabbinic literature.

There is no ground whatever for the assumption of Prof. Baer (*Zion* *ibid.*, p. 18, n. 42) that the rabbis were aware of the thesis of the cycle of eternal generation (κύκλος γενέσεως). The context of the Talmud cited by Baer (*Yebamoth* 62 a and parallels) disproves such a conclusion. It states: "The Son of David will only come when all the souls of the reservoir (תנ) will be exhausted". Each new born child receives a new soul, and even if he died in infancy, he already fulfilled a certain function (see BT *Yebamoth* *ibid.*). Hence, according to the Talmud, a fixed number of souls were created from the beginning of time, which will last until the advent of the Messiah. There is therefore no need for cycles. This belief goes back to the Apocalypse of Baruch xxx. 4-5, as observed by many scholars. I also find it in the *Recognitiones* of Ps.-Clemens (iii. 26).

It is a well established fact that many Jews accepted the doctrine of the pre-existence (προ-ὑπαρξίς) of the souls (see Freudenthal, *Hellenistische Studien* 1, p. 72, *passim*), but those pre-existing souls were unused ones, and none of them was used twice. On the other hand, some rabbis claimed the truth of creationism, and they, accordingly, modified the formulation about the relation between the exhaustion of the souls and the advent of the Messiah, see *Bereshith Rabba* xxiv. 4, ed. Theodor, p. 233, and parallels.

Our reservoir (תנ) of unused souls mentioned above is not identical with the *promptuarium*, *habitaculum*, θησαυρός of the souls found in the *Pseudepigrapha* (see Charles, p. 567, n. 35), or the אוצר of the rabbinic literature (*Sifre* Num. 139, ed. Horowitz, p. 185, *ibid.* Deut. 344, ed. Finkelstein, p. 401, and parallels). The latter refer to the souls which came from dead bodies, whereas the תנ is the receptacle of unused souls. Baruch i.c. (xxx. 4) calls the latter

We conclude with the primitive belief that the human soul could be incarnated in an animal as a punishment for sins committed in this world.⁴² The Palestinian and the Babylonian Talmuds⁴³ record the thesis that the backbone of the human body turns into a serpent, if the man did not bow (did not bend his spine) at prayer.⁴⁴ However, this passage has nothing to do with the incarnation of the soul. The man will not be resurrected from the dead, because his spine will disappear. According to the very popular tradition, the "almond-shaped" bone (*Luz*) which forms the end of the spine will serve as the nucleus of the new body at the time of resurrection.⁴⁵ Hence if the backbone will turn into a snake, no starting point will remain for resurrection, as correctly understood by "some commentaries" cited in *Tosafoth, Baba Kamma* 16 b, s.v. וְהָאָדָם. This is also the opinion of the *Zohar, Bamidbar* 164 a and elsewhere.⁴⁶

Dr. Julius Preuss⁴⁷ correctly recalls heathen authors who record this opinion. Ovidius (*Met.* X. 389) remarks: There are those

"a place where they dwell" (אֶתְרָא אִיכָא דְנוֹמְרִין) and the former "[a place] where they are guarded" (וְאִיכָא דְנוֹמְרִין). Comp. also *ibid.* xx. 23 and xxx. 2 where he refers to the place of the souls of the dead as אֶתְרָא, treasures. Gregory of Nyssa (*de anima et resur.*, PG XLVI, 125 a) states: "for if we were to grant that the soul has lived previous to the body in some special residence of its own nature" etc. (ἐν ἰδίᾳ οὐσίᾳ τῆς ψυχῆς καταστάσει). Augustinus (*epist.* CXLIII. 9, end) expresses himself: "Or if they (i.e. the souls) were created previously and stored up with the Lord (apud deum constitutae) and given to each individual body". For some reason all these writers use vague language avoiding the terms frequently employed to designate the receptacles of the souls of the departed. Comp. also A. Marmorstein, *Metsudah* (London, 1943), p. 94 ff.

⁴² See Cumont, *Lux Perpetua*, pp. 196 ff., 354.

⁴³ PT *Shabbath* i. 3, 3 b, BT *Baba Kamma* 16 a.

⁴⁴ See BT *Berakoth* 28 b, 12 b. PT *ibid.* i. 8, 3 d.

⁴⁵ See *Bereshith Rabba* xxviii. 3, ed. Theodor, p. 261 ff. and notes *ibid.*, *Vayyikra Rabba* xviii. 1, ed. Margulies, p. 394; comp. also L. Ginzberg, *Legends of the Jews*, vol. v, p. 363, n. 345.

⁴⁶ It seems to me that the connection between the failure to bow at the time of prayer and human resurrection can be found in *Bereshith Rabba* lvi. 2, ed. Theodor-Albeck, p. 597. The exegesis in the *Midrash* has its roots in an existent popular belief.

⁴⁷ *Biblich-Talmudische Medizin*, Berlin 1911, p. 150.

who believe that when the spine of a man has decomposed in the narrow grave, its marrow is transformed into a snake.⁴⁸ Plinius (*Hist. nat.* X. 66, 188) likewise reports: We have it from many [authors] that a snake is produced from the spinal marrow of a man⁴⁹. Plutarch (Agis et Cleomenes, end) contends (in the name of the wiser men among the Alexandrians) that this is a natural phenomenon, like bees generating from the corpse of an ox and wasps from that of a horse. The Palestinian Talmud suggests the same view;⁵⁰ this is the normal course of nature. Only a man who bowed at the time of his prayer was exempt from this transformation.

However, some two hundred years later (i.e. than Ovidius and Plinius) Aelianus (*De nat. anim* I, 51) states the same with some reservation (ἢ τοίνυν τὸ πᾶν μῦθος ἔστιν): The spine of a dead man, they say, changes the putrefying marrow into a snake... but it is from the spine of the wicked that those (i.e. snakes) are begotten even after life.⁵¹ The transformation of the spine marrow into a snake⁵² now becomes a special punishment of the wicked, but has nothing to do with the incarnation of the soul in an animal.

⁴⁸ Sunt qui, cum clauso putrefacta est spina sepulcro, mutari credant humanas angue medullas.

⁴⁹ Anguem ex medulla hominis spinæ gigni occipimus a multis. Comp. J. Bergel, *Studien über die Naturw. Kenntn. d. Talmudisten*, pp. 52-53.

⁵⁰ Comp. M. Sachs, *Beitraege zur Sprach- und Alterthumsforschung* etc. II, p. 92 ff., L. Lewysohn, *Die Zoologie des Talmuds* p. 375. Add the numerous references of Ziegler in his edition of Plutarch (1915) *ibid.* and Porphyrius, *de antro Nymph.* 15, 18.

Aptowitzer (*MGWJ*, 69, 1925, p. 356) also associated the passage in Plutarch with the rabbinic legend about a snake guarding the caves where some famous rabbis were buried. However, the latter seems to be a popular motif among many nations, see Plinius, *hist. nat.* XVI, 44 (85), 234 (subest specus, in quo manes eius custodire draco traditur). It has nothing to do with Plutarch's anecdote.

⁵¹ Ῥάχις ἀνθρώπου νεκροῦ φασιν ὑποσηπόμενον τὸν μυελὸν ἤδη τρέπει ἐς ὄφιν... πονηρῶν δὲ ἀνθρώπων ῥάχεις τοιαῦτα τίκτουσι καὶ μετὰ τὸν βίον.

⁵² The rabbis, of course, talk about the backbone itself and not of its marrow. The transformation of the marrow would, in their opinion, not affect the resurrection of the dead. *Midrash Tehilim* XI, ed. Buber, p. 102, states that the soul is attached to the *spinal marrow* (חוט השדרה) thus replacing the

Nevertheless it appears that the rabbis knew *something* of the various opinions current among the heathen philosophers regarding the human soul and its adventures after it departs from the body. But the general impression is that they got their information by hearsay only. The rabbis explicitly instruct:⁵³ You must pronounce eulogies over the dead of the Gentiles, you must comfort the mourners of the Gentiles, and you must bury the dead of the Gentiles. The Jews followed this command. So, for instance, Rabbi Meir (flourished in the second century C.E.) came to visit the philosopher Oenomaus of Gadara⁵⁴ when he mourned over his mother, and a second time after the death of his father.⁵⁵

Conversations during such visits can be readily surmised. It is related in *Bereshith Rabba*⁵⁶ that Rabbi Jose (second century C.E.) visited one of the magnates of Sepphoris (in upper Galilee) who mourned the death of his son. According to one opinion, the mourner was a heretic, according to another, a heretic was present there, and a discussion arose regarding the resurrection of the dead.⁵⁷ An exchange of opinions on such occasions was unavoidable. In course of time certain views regarding life and death become international property.

"almond shaped" bone of the spine by the spinal marrow, and its disappearance would therefore prevent the resurrection of the dead. But this passage is a very late interpolation in the *Midrash* and is missing in the printed editions and in most of the manuscripts, see Buber's note *ibid.*, p. 101, n. 46.

⁵³ *Tosefta Gittin* v, end, ed. Zuckerman 328₂₂, PT *ibid.* v. 9, 47 c, *Demai* iv. 6, 24 a (Comp. BT *Gittin* 61 a), Maimonides, Laws of Kings, x, end.

⁵⁴ See Schürer, *Geschichte* etc. II⁴, p. 55, n. 1. There can be no question of his identity notwithstanding Schürer's slight reservations. A variant in *Bereshith Rabba*, ed. Theodor-Albeck, p. 734, has twice the spelling אבנימיוס.

⁵⁵ *Ruth Rabba* II. 8, ed. Romm 5 c.

⁵⁶ xiv. 7, ed. Theodor, p. 131.

⁵⁷ The Rabbi quoted Genesis 2:7 as proof for the possibility of resurrection of the dead. He maintained: "If a vessel of glass, made with breath blown by a human being, can be reshaped if it is broken, how much more true is this of a human being made with breath blown by the Holy One, blessed be He, as it is said, *and He breathed in his nostrils the breath of life* (*Midrash* on Psalms II. 11, ed. Buber, p. 30). Comp. *Bereshith Rabba* *ibid.*, BT *Sanhedrin* 90b. Comp. H. A. Wolfson, *Religious Philosophy* (Cambridge, Mass., 1961), pp. 90-91.

Let us examine an additional instance of a *consolatio* which illustrates how certain sentiments have no geographical boundaries. We read in Scripture: *And the day of death [is better] than the day of one's birth* (Eccl. 7:1). The rabbis saw (*Koheleth Rabba* a.l. and parallels) a source of great comfort in this verse. When a child is born he is like a ship which has left port (יָמַל, לימֵן); nobody knows what seas and storms it may encounter; there is no cause to rejoice over it. When a man dies he is like a ship which enters the harbor. It is an occasion for rejoicing since the ship has safely entered the harbor. The man departed from the world with a good name and in peace. Epicurus⁵⁸ asserts: οὐ νέος μακαριστός ἀλλὰ γέρων βεβιωκώς καλῶς. ὁ γὰρ νέος <ἐν> ἀκμῇ πολὺς ὑπὸ τῆς τύχης ἑτεροφρονῶν πλάζεται· ὁ δὲ γέρων καθάπερ ἐν λιμένι τῷ γήρῳ κατώρμικεν. "It is not a young man who is the happiest but an old man who has lived a good life. For the young man in his bloom is confused and is tossed around by fortune. But the old man has come to anchor in old age as though in harbor." The rabbis, of course, could not accept Epicurus' sentence verbatim. An old man as long as he is alive has not yet reached the harbor (see *Mishnah Aboth* II. 4); he arrives there only at the moment of his death.⁵⁹ But the reasoning of the rabbis and the philosopher is almost identical. However, there is no real need to assume that the former lifted their argument from Epicurus. Comparisons of this sort were probably current among all intelligent people of the Mediterranean world. The house of mourning was the proper place of exchange of this kind of sentiments.

Problems of the soul and its state after death were of personal interest even to the common man; mere curiosity prompted any intelligent individual to make inquiries into the matter, and even the more sophisticated views of the philosophers reached the

⁵⁸ *Sent. Vat.* xvii, ed. C. Bailey (Oxford 1926), p. 108. Comp. Commentary *ibid.*, p. 378.

⁵⁹ See Sirach 11:28, Joseph. *Bell. etc.* v. 11 3, 461. This notion was also common among the Greeks (see Herodot. i. 32), and it was especially popular with the tragedians. Some heathens extended it until after burial, see Ovid. *Metam.* iii. 137. Comp. below chap. iii, n. 16.

masses in a popular form. But there is absolutely no evidence that the rabbis read philosophic treatises, or attended regular courses given by philosophers. All information to this effect came to them from second hand sources, or, at most, from the discussions of cynic philosophers who preached in the streets.

Their knowledge in this domain was probably no more than that of the middle class Jew in general. Imagination mixed with information from the outside fertilized the creativity of the *Haggadists*. The variety of opinions and their contradictions (with regard to the soul and its adventures) is typical of this kind of literature, and must be treated accordingly.

II

"Life" in the Grave

The prevalent view in rabbinic literature is that the corpse of the deceased does not lose its sensitivity for a certain amount of time. The dead hear what is said about them in their presence.¹ According to one opinion they know what is said about them until their tombs are closed; according to another they know it until the flesh of the body is wasted away.²

For the first three days after death the soul hovers over the body in the hope that it may reenter it,³ but after the body begins to decompose, the soul finally leaves it.⁴

The atonement of man for his sins starts from the moment the body begins to feel the pains [of the pressure] of the grave,⁵ and

¹ PT 'Abodah Zarah III, 42 c, *Bereshith Rabba*, ed. Theodor-Albeck, p. 1237 and parallels referred to *ibid.* Comp. also PT *Berakoth* II, 3, 4 d, BT *ibid.* 18 a, 19 a, *Shabbath* 153 a *passim*. Comp. however the dissident opinion in BT *Berakoth* 19 a.

² BT *Shabbath* 152 b.

³ A Persian belief. See the literature cited by S. Klein, *Tod und Begräbnis* etc. Berlin 1908, p. 13, n. 3; L. Ginzberg, *Legends of the Jews*, vol. v, p. 78, n. 20, end, p. 128, n. 140, end.

⁴ PT *Mo'ed Katan* III, 5, 82 b, *Yebamoth* XVI, 3, 15 c, *Bereshith Rabba* C, 7, ed. Albeck, p. 1290, *Vayyikra Rabba* XVIII, 1, ed. Margulies, pp. 397-398, *ibid.*, p. 875.

⁵ BT *Sanhedrin* 47 b. According to a late source (*Bet ha-Midrash*, ed.

the worms are as painful to the dead as a needle to the flesh of the living.⁶ Just as the suffering of the dead body in the grave partly atones for the sins committed in life, so the degradations of the body in any way whatever produce the same effect.⁷ A *Tannaitic* source⁸ states that king Hezekiah dragged the bones (גרר) (עצמות) of his dead father Ahaz in a bier of ropes. In this way the rabbis reconciled the seeming contradiction between II Kings 16:30 and II Chronicles 28:27. The former records that Ahaz was buried *with his fathers* in the city of David, whereas the latter maintains that "*they brought him not into the sepulchres of the kings of Israel.*" The rabbis concluded that Ahaz was exhumed from his ancestral tomb, his bones dragged, and reinterred somewhere else.⁹

The significance of this passage was not fully understood by the earlier commentators and the modern scholars. In our context the word גרר is a technical term, the exact equivalent of *trahere* (σύρειν),¹⁰ i.e. to drag the corpse of a man who was subjected to *damnatio memoriae*.¹¹ In the case of king Ahaz the rabbis portray a posthumous *damnatio memoriae* of a king. In the year two hundred twenty two the dead body of the Roman emperor Elagabalus was dragged all over the city of Rome and thrown into the Tiber.¹² He was dubbed the "Dragged" (*Tractatitius*) because this was done to his corpse.¹³ Thirty years earlier the Roman Senate

Jellinek I, p. 151, Appendix to *Semahoth*, ed. Higger, p. 259), even pious men and innocent babies are subject to these pains.

⁶ BT *Berakoth* 18 b, *Shabbath* 13 b passim.

⁷ *Sifre* I, 112, end, ed. Horovitz, p. 122, BT *Sanhedrin* 47 a.

⁸ Interpolated in some editions of the *Mishnah Pesahim* IV, end. See PT *ibid.* IX. 1, 36 c, and parallel, BT *ibid.* 56 a and parallels.

⁹ See Gersonides on II Kings a.l. and *Tosafoth Yom Tob* on *Mishnah Pesahim* *ibid.* Comp. *Rashi* on BT *Makkoth* 24 a, s. v. שגרר.

¹⁰ See below nn. 12-14.

¹¹ Disgrace of the memory of a criminal. See also *Kohleth Rabba* I, 15, ed. Romm 6 a, *Ruth Rabba* III. 3 6 c. Comp. *Jerem.* 22:19. We shall treat this subject in detail below Chapter III, n. 33.

¹² *Herodianus* v. 9; *Lampridius, Vita Heliog.* XVIII. 1-2.

¹³ *Lampridius ibid.* XVII. 5.

demanded that the body of the emperor Commodus (which was already buried) be exhumed and dragged.¹⁴ The rabbis maintained that Hezekiah dishonored the body of his father Ahaz in the way the Romans disgraced the bodies of their wicked emperors.¹⁵

In this manner king Hezekiah achieved a double purpose. The *damnatio memoriae* of Ahaz made it clear to the people that Hezekiah has cancelled his father's decrees regarding idolatry. It is stated in *Seder 'Olam Rabba*¹⁶ that Evil-merodach exhumed Nebuchadnezzar from his grave and dragged his body in order to cancel his decrees. Prof. Louis Ginzberg correctly associated¹⁷ this passage with the text in *Aboth deR. Nathan*¹⁸ which records the same act by Evil-merodach with the additional explanation: No king may abolish the decrees of a [previous] king, unless he takes him out [from his grave] and drags him! In the judgment of the rabbis, the dragging of a king's corpse indicated the abolition of his decrees by his successor.

Secondly, the posthumous insult inflicted on the body of Ahaz, the ἀτιμία to which he was subjected after his death, was considered by king Hezekiah as an act of expiation of his father's sins. The son rendered his father a great favor by dishonoring him after his death.¹⁹ His enormous sins of idolatry would soon be wiped out by virtue of the ignominy he suffered after death.

¹⁴ Idem, *vita Commodi* xx. 2: sepultus eruatur, trahatur. Comp. Jerem. 8:1-2. See also Plinius, *hist. nat.* vii. 54, 187.

¹⁵ The body of Ahaz was probably partly disintegrated after it was disinterred, and, therefore, could not be dragged in the usual manner by rope and hook. For this reason the rabbis contended that it was dragged in a bier of ropes.

¹⁶ xxviii, ed. Ratner, p. 125. The Rabbis, perhaps, superposed a Roman legal explanation on a general practice of royal revenge. Ashurbanipal boasted that he had exhumed the bones of the Elamite Kings etc. See D. D. Luckenbill, *Ancient Records of Assyria and Babylonia* ii. 810, p. 310.

¹⁷ *Legends of the Jews* vol. vi, p. 428, n. 116. However, he missed the essence of the legend.

¹⁸ Second version 17, ed. Schechter, p. 37.

¹⁹ Our case has nothing to do with the debated question whether there

However, although many of the rabbis admitted the actual sensitivity of the dead body (at least until the flesh was consumed), they never believed that the dead must be provided with food, or other necessities. Since there is no doubt that the ancient Jews engaged in these superstitious practices,²⁰ the rabbis, who were not able to uproot them, had to reinterpret the meaning of the customs and impart to them a reasonable significance. It was permitted to place the personal belongings of the deceased beside his body, not because he is in need of them, but because the scene arouses the grief of the onlookers.²¹

It is therefore natural to place a woman's personal articles, even her tube of eye-paint, in her grave. The scene will certainly arouse the grief of the spectators. In fact, the tombs of Bet She'arim in Palestine contain many ornaments of women and, especially, tubes of eye-paint²² which prove that this custom was also accepted among the Jews of Palestine.²³

However when the comb and the tube of eye-paint were not inserted in the tomb during the burial, why deliver it by hand

is "expiation after death." The dragging of the corpse is an actual punishment inflicted upon the deceased, like all other sufferings imposed upon the dead in their graves.

²⁰ The heathen customs in this respect are well known, see Maspero, *The Dawn of Civilization* (London 1922) pp. 115, 192, 686; Cumont, *Lux Perpetua*, p. 26, n. 7. On the Jewish practices, see Perles, *MGWJ* x (1861), p. 377, A. Lods, *La Croyance à la Vie future* etc., p. 167 ff., 190. A. Parrot, *Refrigerium* pp. 59-60. The sprinkling of wine and oil on the dead (See *Semaḥoth* XII. 9, and *Tosefta ki-Fshuṭah* IV, p. 673) was tolerated by the rabbis, because of their odoriferous properties.

²¹ *Semaḥoth* VIII. 7. See G. Allon, *מקרים*, II, p. 103 ff. Comp. Perles l.c., n. 23.

²² B. Mazar, *Beth She'arim, Report* etc. (Jerusalem 1957), pp. 143, 150. An abundance of lamps were found in the tombs (ibid., p. 143). Lamps were used to honor the dead (see *Mishnah Berakoth* VIII. 6 and parallels. PT ibid. IV. 1, 7 b, *Bereshith Rabba* XXXIV. 4, p. 346: *שהם מתיים... בלא נר*). Since, according to Jewish law, no benefit could afterwards be derived from those lamps, they were buried together with the dead.

²³ It is unlikely that those findings belong only to the dead who were brought from outside of Palestine.

of another dead messenger? No such contingency would follow from the explanation offered by the rabbis. Yet, the Babylonian Talmud²⁴ presented such a case. It tells that a rabbi who was visiting a cemetery received the following message from the tomb of his dead landlady: "Tell my mother to send me my comb and my tube of eye-paint by so-and-so who is coming here next day."

This, of course, reminds us of the famous mockery of Lucian (*Philops.* 27) about the dead wife of Eucrates who personally appeared to her husband and rebuked him for not having burned one of her gilt sandals on her funeral pyre. It was, she said, under the chest where it was thrown. It is very surprising that the rabbis related a story which is so flagrantly in the nature of the "ways of the Amorites," the heathen superstitions.

But here, again, the anecdote has its roots in rabbinic reinterpretation of popular superstitions. The Babylonian, and some of the Palestinian Rabbis maintained that at the time of resurrection, the dead would arise in the same clothes which they wore when they were buried,²⁵ and would therefore appear in proper attire. The Babylonian sage Rabbi Jeremiah²⁶ asked in his last will that he be buried near a public road with cane in hand and sandals on his legs etc.²⁷ The burial on a public road was at one time a typical heathen practice.²⁸ But the rabbi gave the reason for the details of his will: "When the Messiah will come, I shall be ready",²⁹ or: "When I am wanted, I shall stand ready" (אויסמאט ארייטאנד).³⁰

²⁴ *Berakoth* 18 b.

²⁵ PT *Kil'aim* ix. 4, 32 b and parallel (in the name of the Babylonian Rabbi Nathan), BT *Kethuboth* 111 b, *Sanhedrin* 90 b, *Semahoth* ix, end, ed. Higger, p. 179, and parallels referred to in the notes *ibid.*

²⁶ Immigrated to Palestine in the third century C.E.

²⁷ *Bereshith Rabba* C. 2, ed. Albeck, p. 1285 ff., PT *Kil'aim* *ibid.* and parallel. The correct reading of PT is recorded by the medieval authorities. See Lieberman, *On the Yerushalmi* (Jerusalem, 1929), p. 25, and Albeck's notes on *Bereshith Rabba* a.1.

²⁸ See Cumont, *Lux Perpetua*, p. 53. Such practice was unacceptable to the Jewish mind. Comp. *Bereshith Rabba* Lxxx. 10, p. 988 and parallels.

²⁹ PT *ibid.*

³⁰ *Bereshith Rabba* *ibid.*, p. 1286.

The poor woman in her grave wanted her comb and tube of eye-paint not for immediate use, but for future service. She expected the advent of the Messiah any day, and, after all, you cannot welcome him with your hair disheveled, and eyes not painted! This kind of folk-lore could, therefore, be admitted into the *Haggada* (narrative part) of the Babylonian Talmud.

Again the rabbis rule:³¹ "One may go out to the cemetery for thirty³² days to visit the dead³³ and have no fear of following the Amorite practices, for it happened that a man was visited (שפוקדו [אחר] [and found alive], and he went on living for twenty five years etc". Here the rabbis explicitly mention the "Amorite practices." They were well aware of the heathen custom to visit the dead at certain periods after their death³⁴. Yet they permitted these visits, because once a supposedly dead man was found alive and rescued by such a visit. The practice has a reasonable basis, and there is therefore no objection to the custom. Comp. also above, n. 20, end.

However, although the Jews were permitted to visit the dead during the first thirty days, they did not feast at the grave,³⁵ the funeral meal being served either in the street,³⁶ or at the home of

³¹ *Semahoth* VIII. 1, ed. Higger, p. 148 ff.

³² This is the reading of the best manuscript of *Semahoth*. This is also the reading of *Raban*, ed. Prague 84 c and *Sefer Rabiah* 841, vol. II, p. 565 (The immediately following remark in the two books does not invalidate the reading "thirty", as will be shown somewhere else). Comp. also the *Geonic* source quoted in *Tur Yoreh De'ah* 344 end. All other manuscripts read: three. Comp. J.N. Epstein *Introduction to the Text of the Mishnah*, p. 471.

³³ ופוקדו על המתים See the remark of Rabbi Judah Najar in his *Simhath Yehudah* a.l. in the name of Rab Hai Gaon.

³⁴ See Rhode, *Psyche*, English translation, p. 196, n. 87, Cumont, *Lux Perpetua*, p. 36. Comp. *Tur Yoreh de'ah* l.c. (above, n. 32) and the wording of Rabbi Isaac ben Gayyat, p. 44.

³⁵ See Rhode *ibid.*, p. 195, n. 82, Cumont *ibid.*, p. 35. Comp. also *Pap. Oxy.* 494, l. 24 (second century C.E.): a feast which they shall hold beside my tomb (πλησίον τοῦ τάφου μου) every year on my birthday. On the Roman custom see Daremberg et Saglio *Dictionnaire des Antiquités* etc. II, p. 1380 b, s.v. funus.

³⁶ See *Tosefta Mo'ed Katan* II. 17, and parallels.

the mourners. The rabbis knew that the heathen behaved differently. A fragment of a thirteenth century manuscript³⁷ reports (most probably from a lost *Midrash*): "At that time they were burying Job, and it was their (i.e. the Amorites') custom to eat at the tomb,³⁸ and they were at that moment eating at the grave of Job etc."³⁹

To summarize, the Jews shared many customs (regarding the dead) with their pagan neighbors. Some of them probably have their source in the world of the old Semitic tribes. The Torah forbade a number, and the rabbis added their own prohibitions. However, it is easier to fight wickedness than to combat the superstitions of pious people. Whenever the rabbis could provide a loftier justification for some of the practices, they tolerated them regardless of their heathen origin. The Jews were commanded by the law to participate in the funerals of their pagan neighbors.⁴⁰ They read the inscriptions on the monuments of the graves again and again,⁴¹ they saw their symbols and often imitated them. The heathen mythological significance of the symbols was long since dissipated, but the practice remained; fashion and art prevented its disappearance.

Not only in the diaspora do the epitaphs of the Jews display plain heathen symbols,⁴² but even in Palestine the tombs at Beth She'arim also preserve typical figures of the heathen graves.⁴³ The numerous boats on the Jewish graves in Palestine⁴⁴ most prob-

³⁷ Published by Schechter in *Semitic Studies in Memory of A. Kohut*, p. 492.

³⁸ See above, n. 35. Comp. A. Lods, *La Croyance à la Vie Future* etc. p. 157, n. 7; P. Stengel, *Opferbräuche der Griechen* (Leipzig, 1910), p. 144; E.S. Drower, *The Mandaeans of Iraq and Iran* (Oxford, 1937), p. 196, p. 224.

³⁹ Comp. BT *Sotah* 35 a. ⁴⁰ See above chapter I, n. 53.

⁴¹ The very reading helped them to forget the advice of the rabbis in BT *Horayyoth* 13 b. The belief recorded *ibid.* was also current among the Gentiles, see Goldziher, *Festschrift etc. Berliner's*, pp. 132 ff., 134.

⁴² See Cumont, *Symbolism* etc., pp. 485 ff., 492 ff.

⁴³ Horses, winged creatures etc. See Mazar, *Beth She'arim, Report* etc. (Jerusalem, 1957), pp. 50 ff. 56, 58. Comp. Lieberman, *Hellenism* etc., p. 214.

⁴⁴ See Mazar *ibid.*, table xx, No. 2. I saw a great number of them on Jewish graves in Palestine.

ably represent the ferry to the other world,⁴⁵ i.e. either the divine bark of the ancient Orientals,⁴⁶ or Charon's ferry of the Greeks. The women of Shekhanzib (first half of the fourth century C. E.) probably employed (see above n. 45) a standard dirge and elegy of the Persian wailing women. The former completely ignored the heathen substance of the lamentation. The Rabbis would certainly not approve of such expressions and symbols,⁴⁷ but the masses had their own ways.

III

ἄταφοι βιαιοθάνατοι ἄωροι¹

The ancient pagans considered the souls of the dead who were not buried (or cremated), or who were buried (or cremated)

⁴⁵ BT *Mo'ed Katan* 28 b: "And for the ferry he borrows [the fare]". See *Variae Lectiones* a.l., p. 105, n. 40, *Otzar ha-Geonim* ibid. pp. 72-73, and Rabbenu Hananel a.l. See Perles *MGWJ* x (1861), p. 385, n. 52, who hit the mark. It appears that this ferry-fare was known in Persia, see *Etym. Magn.* 247, 41, s. v. δανάκη (a Persian coin), and see Perles l.c.

⁴⁶ See Maspero, *The dawn of Civilization*, London 1922, p. 196 ff., Breasted, *Development* etc. (above ch. I, n. 28), p. 105 ff. (Egypt); A. Heidel, *The Gilgamesh Epic and Old Testament Parallels*, pp. 171-172, and n. 121 ibid. (Babylonia).

⁴⁷ On the painting reproduced by Maspero (ibid., p. 197) we see the ferry entering the "cleft" of the mountains. According to the version in BT *Tamid* 32 a, one could reach the other world, by way of dry land (through the mountains). Some sages maintained that the soul had the form of a bird (See Aptowitzer *MGWJ* 69, 1925, p. 150 ff.), and this was also the belief of the Egyptians (See Maspero ibid., p. 108, n. 5). If the ferryman was adamant in his refusal to transport the dead, the latter could commit himself to the air, using either his own wings (See Breasted, *Development of Religion and Thought in Ancient Egypt*, New York, 1912, p. 109), or those of one of the gods (ibid. p. 107).

Thus the other world could be reached by land, sea and air. Contradictory superstitions existed side by side, and even when the ancient doctrines were discarded the old practices remained (see, for instance, Breasted ibid. p. 340, n. 1). One belief passeth away, another belief cometh; And the image abideth for ever.

¹ See the sources on this group cited and referred to by Rhode, *Psyche*, English translation, pp. 210-211, n. 148, p. 215, n. 176, 594-595. Comp. also

without the proper religious rites, and those who did not die a natural death, and those who died before their time (this included bachelors, spinsters and the childless), as dangerous to their relatives, neighbors and to the whole city.² In murder the *biothanatus* (= *biaeothanatus*) will not be satisfied unless his blood is avenged, or propitiatory sacrifices are offered to his spirit.³

The rabbis took pains to stress the point that the breaking of the neck of the calf (Deuter. 21:1-9) was performed only in the case of a man who was found slain, and not if he was found strangled or drowned etc.⁴ Hence, it has nothing to do with a quasi-cthonic sacrifice to appease the spirit of a *biothanatus*.⁵ The Babylonian Talmud⁶ reports that the Evil Impulse (*Yetzer ha-Ra'*) and the nations of the world challenge the reasonableness of the law which requires the breaking of a calf's neck in case a slain man was found in the field. However, all other rabbinic parallels⁷ (including our editions of the Talmud) do not mention this law. The heathen did not question it; they understood it well, in their own way, of course.

F. Cumont, *Lux Perpetua* pp. 306, 309 ff., 312, 319 ff. 328 passim; J. H. Waszink's commentary on Tertullian, *de anima*, pp. 564-567; Idem, *Vigiliae Christianae* III (1949), p. 107 ff.; A. D. Nock, *ibid.* IV, (1950), p. 132 ff.

² See Maspero, *Life in Ancient Egypt and Assyria*, (New York, 1892), p. 242 ff. Rhode *ibid.* p. 215, n. 176. Comp. also A. Parrot, *Refrigerium*, pp. 9, 10, 15, 16, 18. See also Heidel (above n. 46), p. 156.

³ Rhode *ibid.*, Cumont *ibid.*, p. 319. Comp. Parrot *ibid.*

⁴ *Sifre* Deut. 205, ed. Finkelstein, p. 240, and parallels referred to in the notes *ibid.*

⁵ See the commentary of Nachmanides and that of Recanati to Deuter. a.1. Ps.-Jonathan a.1. quotes a legend which gives a "rational" explanation of the law. A similar legend to this effect is cited by a medieval commentary on the Pentateuch, published by Schechter (*Semitic Studies in Memory of A. Kohut*, p. 493). Comp. also Maimonides, *Guide* etc. III. 40.

⁶ *Yoma* 67 b (in most mss., see Rabinovicz a.1. p. 189, n. 7). This is also the reading of *Midrash Tanhuma Mishpatim* 7 (*editio princeps* and the following editions. It is not found in Buber's edition).

⁷ *Mekilta*, interpolated into the *Sifra*, ed. Weiss 86 a, *Pesikta de R. Kahana* ed. Mandelbaum, p. 71, and parallels referred to in the notes *ibid.* As for the red heifer, see *Pesikta* *ibid.*, p. 74. Comp. Athenaeus, *Deipnosophistai* IX, 409 b (the ashes of sacrifices used for purification).

The pagans viewed as one group all the men who did not die a natural death, those who died before their time, and those who were not buried. Originally they did not discriminate between innocent victims and those who were justly executed by the arm of the law. All of them were *biothanati*. All these embittered and revengeful souls were enrolled into the service of the magicians. In many of their adjurations we find the formula:⁸ Ὁρκίζω ὑμᾶ δέμονες πολυάνδριοι κὲ βιοθάνατοι κὲ ἄωροι κὲ ἄποροι ταφῆς.⁹ The men who were thrown in the common ditch (πολυάνδριοι, see below) and those who were not buried at all (ἄποροι ταφῆς) are treated alike. Even soldiers (at least of the enemy) fallen in battle were at a certain time considered *biothanati*.

In the later periods the *biothanati* were more or less limited to the suicides and to executed criminals.¹⁰ Both of these classes were deprived of burial (or at least of religious funeral rites) by the legislation of many nations.¹¹ In Rome the criminals executed in prison were dragged by rope and hook and thrown into the Tiber¹²; in other places they were thrown into the common ditch (πολυάνδριον). The *Tosefta*¹³ mentions: "fossa (פֶּסָסָה) where men that had been slain were thrown." The Latin fossa (φóσσα), which is not found anywhere else in early rabbinic literature, indicates that the rabbis speak of a Roman practice.¹⁴ As late as the second half of the eighth century C.E., executed criminals were thrown into the pit of the *biothanati* (ἐν τῷ τῶν βιοθανάτων λάκκῳ).¹⁵

The absence of proper burial was considered a horrible punish-

⁸ A. Audollent, *Defixionum Tabellae* No. 22, l. 30 (p. 41).

⁹ See Rhode *ibid.* (above n. 1), pp. 604–605; Cumont, *Lux Perpetua*, p. 320, n. 1 (read: 26, 20, instead of: 26, 30); Waszink, *Commentary ibid.* (above, n. 1), p. 574 ff.

¹⁰ See Cumont *ibid.*, p. 339 ff., Waszink, *Vigiliae Christianae ibid.* (above, n. 1), p. 110–111.

¹¹ See Cumont *l.c.* and *ibid.* p. 340.

¹² See Mommsen, *Strafrecht*, pp. 987–988.

¹³ *Ahiloth* xvi. 13, p. 614₃₄.

¹⁴ Comp. *Mishnah* *ibid.* xvi, end.

¹⁵ Theophanes, *Chronographia*, PG cviii, 880 b. See Cumont, *Lux Perpetua*, p. 340, n. 6, *ibid.* p. 444.

ment by many nations, including the Jews.¹⁶ From II Kings (9:34) we may infer that queen Jezebel would be left unburied were she not a king's daughter. However, in rabbinic times, no human being in the world would intentionally be left unburied by a religious Jew. The verse in Deuteronomy 21:23 allows no exceptions.¹⁷ Josephus considered the behavior of the Idumeans as an abominable sin. They cast out the corpses of the men whom they had slain without committing them to burial in flagrant disregard of Jewish law.¹⁸ This law, according to Josephus,¹⁹ applies even to suicides (τοὺς ἀναιποδντας ἑαυτούς, those who destroy themselves). The tractate *Semaḥoth* (II. 1) rules that he who destroys himself deliberately²⁰ is not to benefit from any funeral rites,²¹ but burial is not denied to him.²² All human beings — slaves, pagans²³ and criminals²⁴ are entitled to burial.²⁵

¹⁶ See I Kings 14:11–13; Jer. 8:2; 16:4, 6; 22, 19; Ps. 79:2 passim. Comp. A. Lods, *La Croyance à la Vie Future* etc. p. 184 ff., A. Heidel (cited above ch. II, n. 46), p. 155 ff., A. Parrot, *Malédiction et Violations des Tombes*, p. 55, 166, n. 3.

¹⁷ See BT *Sanhedrin* 46 b. Comp. Joshua 8:29, 10:27.

¹⁸ *Bellum Iud.* iv. 5, 2, 317.

¹⁹ *Ibid.* iii. 8, 377.

²⁰ *Semaḥoth* i. 9, and see above, Chapter I, n. 53. Comp. however PT *Shabbath* x. 6, 12 c, and the books cited in *ibid.*, ed. Romm (x. 5), 64 a. Comp. also the commentary of Rabbi David Kimḥi to Joshua 8:29.

²¹ I.e. no proper eulogy is pronounced, no prescribed funeral cortege is permitted etc. Comp. Rhode *ibid.* (see above, n. 1), p. 187, n. 33, Cumont, *Lux Perpetua*, p. 335.

²² On the Jewish attitude towards suicide, See *Bereshit Rabba* xxxv, 13, ed. Theodor, p. 324. Comp. Lieberman *הירושלמי הלכות* by Maimonides, p. 21, n. 23, and commentary *ibid.* Comp. also II Macc. 14: 41 ff., Josephus *Bell.* iii. 7, 331, *ibid.* 8, 365 ff., *Bereshith Rabba* *ibid.*, BT Ta'anith 29 a, *Kethuboth* 103 b, *Kiddushin* 40 a passim. The rabbis reported (BT 'Abodah Zarah 18 a) that when Rabbi Hanina ben Teradion was consumed by fire (during the Hadrianic persecutions) he refused to open his mouth which would have hastened his death. He said: Let Him who gave it (i.e. the soul) to me take it away. Comp. Cicero, *Somn. Scip.* 3, cited by Cumont, *Lux Perpetua*, p. 336.

²³ *Semaḥoth* i. 9, and see above, Chapter I, n. 53. Comp. however PT *Shabbath* x. 6, 12 c, and the books cited in *ibid.*, ed. Romm (x. 5), 64 a. Comp. also the commentary of Rabbi David Kimḥi to Joshua 8:29.

²⁴ *Semaḥoth* ii. 6, 8, in accordance with Deut. 21:23. This is in contrast to Assyrian law, see Heidel l. c. (above, n. 16), p. 155–156.

²⁵ One medieval sage (quoted by Rabbi Isaac ben Moshe of Vienna in his

The Roman practice of depriving the executed criminals of the right of burial, and exposing the corpses on the cross for many days, an atrocity often inflicted on the Christian martyrs,²⁶ horrified the Jews. This practice was not limited to the Romans, it was performed by many nations, including the Semites. The law of Deuteronomy 21:23 indicates that the heathen did expose the corpse of the executed man on the gibbet for many days. The Gibeonites demanded that the old heathen practice be applied to the descendents of king Saul, and king David complied with their request (II Samuel 21:9–10). The rabbis²⁷ claimed that it was an exceptional case of “sanctification of the Name”: Princes were hanged and exposed for the whole summer to avenge the innocent blood of serfs shed by a king. The Maccabeans acted in a similar manner (I Macc. 7:46), and the action was apparently approved by the rabbis.²⁸ Even the total deprivation of burial was sometimes inflicted by the ancient Semites²⁹ on certain criminals, but such a practice would not be permitted by the rabbis.

The lack of burial horrified the ancient man more than death itself. Seneca remarked to this effect: Those who had not feared

אין מתעסקין *Semahoth* II, 422, 86 c) ruled that suicides and certain sinners are not to be buried. But no other authority supports him. The phrase of *Semahoth* means that no funeral rites are administered to him (see above, n. 21), but the burial itself is never denied, as is obvious from the *Mishnah* (*Sanhedrin* vi. 5) when compared to the language of *Semahoth* (II. 6), as already observed by other medieval authorities. The story recorded in PT *Terumoth* viii. 5 (and parallels) does not disprove this law. The death happened on Shabbath (according to one version), or on the Day of Atonement (according to another), and for this reason the rabbi did not permit to remove the corpse. In a week day, the body would be committed to burial without delay.

²⁶ Frequently recorded by Eusebius in his *Hist. Eccl.* and in *de mart. Palest.* and in many Christian *acta martyrum*. Comp. also Petronius, *Satyricon* 111–112. The crucified were exposed until their flesh entirely wasted away, see *Semahoth* II. 11.

²⁷ PT *Kiddushin* IV. 1, 65 c; BT *Yebamoth* 19 a.

²⁸ *Meggilath Ta'anith* XII (thirteenth of Adar), PT *Ta'anith* II. 13, 66 a and parallels, BT *ibid.* 18 b.

²⁹ See above, nn. 16, 24. Comp. Cumont, *Lux Perpetua*, p. 444.

death might fear something after death.³⁰ We shall cite an interesting passage to this effect. We find in the *Midrash*³¹ an allegorical story about two friends who "stole together and robbed together," but one of them repented and changed his mode of life. After death, they met in the other world. The man who repented was treated as if he had been pious and just. His friend challenged the justice of such a treatment. Thereupon it was disclosed to him: "Your colleague repented, because he saw what happened to you. After your death, you were disgraced (מנוחל היית) for three days,³² your corpse was not put into a coffin, but was dragged to the grave by ropes³³ (ורחבלים גררוך), [as it is said], *the maggot is spread under thee and the worms cover thee*" (Isa. 14:11). The man was obviously thrown without a coffin into a πολυάνδριον, into a common ditch.³⁴ In this case he was immediately immersed into a heap of maggot and worms which swarmed beneath and below the corpse.

The man who "stole and robbed" was obviously apprehended and executed, but the rabbis stressed that it was the posthumous degradation of the corpse and the lack of proper burial that horrified the partner who survived. The execution itself is not even mentioned³⁵ by the rabbis. A robber knew in advance what

³⁰ *Suas. et contriv.* viii. 4, end, cited by Cumont, *ibid.*, p. 340.

³¹ *Kohleth Rabba* i. 15, ed. Rom. 6 a; *Ruth Rabba* iii. 3, 6 c.

³² Theophanes (*Chronographia*, PG cviii, 848 a) reports that the head of the decapitated Bactagius (executed c. the middle of the eighth century C.E.) was exposed (suspended, ἐκρέμασεν) for three days (ἐπὶ τρεῖς ἡμέρας). A rabbi of the third century C.E. accuses (PT *Yebamoth* xvi. 3, 15 c) King Abijah of putting up guards to maintain a three-days watch over the Judeans who fell in battle (so that nobody approached them).

³³ It was the regular Roman practice, see Mommsen, *Strafrecht*, pp. 987–988; Cumont, *Lux Perpetua*, p. 340. See above, chapter II, nn. 11–18. The rabbis certainly did not have in mind the verse in Jeremiah 22:19 which they did not quote.

³⁴ See above nn. 13, 15.

³⁵ It is, of course, not impossible that the rabbis referred to an actual occurrence in Palestine of which the people were well aware. The rabbis had a special predilection for utilizing current events in their sermons, for exploiting facts with which their audience was well familiar, see Lieberman, *Hellenism*

may eventually happen to him. But "he who had not feared death might fear something after death,"³⁶ especially when he had the occasion to watch the "after death" of his partner with his own eyes. Niger the Peraean, the intrepid, fearless fighter for Jewish freedom, before he was murdered by the Zealots, asked for one thing, for a grave (περί ταφῆς ἰκέτευεν), which the impious murderers did not grant.³⁷ The latter punishment was harsher than the former.

There is no wonder, therefore, that among several nations it was considered a sacred duty for each individual to bury the dead whenever one came across a neglected corpse. The Jewish high priest who is commanded "*not to defile himself for his father and mother*" (Lev. 21:11) must contaminate himself through the act of burying any stray corpse.³⁸ The same law was current among the Romans. "For whereas it was unlawful for the high priests to see a corpse, it would be still more sinful, if they neglected an unburied corpse, when they happened to see it."³⁹

Whenever, by the order of the government, a corpse was not to be buried, it was naturally a grave risk to violate this order. When Rizpah, the daughter of Aiah, protected the exposed corpses of the princes (including the bodies of her two sons) from the birds of the air and the beasts of the field (II Sam. 21:10), she probably gambled with her life.⁴⁰ Tobit (2:4-8) risked his head,

in Jewish Palestine, p. 4 ff. In this case, they might have referred to an actual event when the criminal was either executed in prison, or died before he was condemned. In both cases, his corpse would be posthumously disgraced (see Mommsen referred to above, n. 33), but the execution could not be mentioned by the rabbis as a deterring factor. However, even this possibility does not invalidate our general interpretation of the *Midrashic* passage.

³⁶ See above, n. 30.

³⁷ Josephus, *Bellum* iv. 6. 1, 360.

³⁸ *Mishnah Nazir* vii. 1.

³⁹ Servius *ad Aeneid.* vi. 176: unde cum pontificibus nefas esset cadaver videre, magis tamen nefas fuerat si visum insepultum relinquerent. Comp. also Lieberman, *Hellenism in Jewish Palestine*, p. 165, n. 12.

⁴⁰ According to the rabbis (*Bemidbar Rabba* viii. 4), King David was moved by her behavior. Rabbi David Kimḥi in his commentary to II Samuel

when he buried the dead.⁴¹ Pagans,⁴² Christians⁴³ and Jews⁴⁴ staked their lives⁴⁵ for the sake of rescuing the corpses of the *biothanati* in order to commit them to the earth. The proper authorities had the right to grant the permission to inter the corpse of the executed individual,⁴⁶ which was often bought for a great amount of money.⁴⁷

However, in many cases, the petition for the delivery of the corpse to the interested party was denied,⁴⁸ and the latter resorted to stealing it.⁴⁹ The rabbis issued a stern warning against this practice. They ruled⁵⁰: From what time does one begin to count the days of mourning for men who were executed by the government? From the day one gives up hope of asking (i.e. of petitioning the authorities, see above n. 46), even if not of stealing (i.e. they

(21:11) reports in the name of a *Midrash* that upon hearing what she did, king David married her (comp. PT *Yebamoth* II. 4, 3 d). The men who informed David about Rizpah's act (II Samuel *ibid.*) probably did not intend to praise the woman.

⁴¹ The strangled man was probably a *biothanatus*, a man executed by the government, and having been exposed, the government did not permit to bury him. The story has nothing to do with Hadrian and the Jews fallen in the war of Bettar (See Graetz, *MGWJ*, vol. 28, 1879, p. 514 ff.). We have seen above that the cruelty of exposing the corpses of the executed criminals was practised by several nations in hoary antiquity. This punishment would have no sense, if the relations had the right to bury the corpses. The pious Tobit was in the habit of burying those dead which nobody dared to bury, i.e. the *biothanati*. No conclusions can be drawn from Tobit's burying the dead regarding the place and the time of that book.

⁴² See Petronius, *Satyricon* 112.

⁴³ Le Blant, *Les Actes des Martyrs*, p. 223.

⁴⁴ Tobit (see above). According to *Midrash Mishle* (IX, ed. Buber, p. 62) the body of Rabbi 'Akiba was stolen from the prison of Caesarea in Palestine (during the Hadrianic persecutions).

⁴⁵ See above, n. 42, Mommsen *Strafrecht*, p. 989, Le Blant *ibid.*, p. 222.

⁴⁶ Mommsen, *ibid.*, Le Blant, *ibid.* p. 220 ff. ⁴⁷ Le Blant, *ibid.* p. 221.

⁴⁸ See Mommsen, *ibid.*, p. 988 ff. It is reported in PT *Ta'anith* IV. 8, 69a (about the Jews who fell in the battle of Bettar): *חור עליהם שיקברו* which means: And he (i.e. Hadrian) gave no permission to bury them. The prohibition of the burial was automatic and required no special decree.

⁴⁹ See the sources referred to above, nn. 42-45.

⁵⁰ *Semaḥoth* II 9.

still hope to be able to steal the corpse); [but] he who steals (i.e. a corpse of a man executed by the government) is shedding [innocent] blood etc.⁵¹ How far the masses listened to this warning is an open question. They feared the "after death" more than death itself.⁵²

Jew and Gentile alike shared the fear of lack of burial, but rabbinic literature has preserved no trace of the heathen belief that the *insepulti* are barred from Hades.⁵³ On the other hand, it appears that the rabbis took cognizance of the pagan superstition that both guilty and innocent *ahori* and *biothanati* are not admitted to that place.⁵⁴ The rabbis of Caesarea remark⁵⁵ that the minors of the Gentiles and soldiers of Nebuchadnezzar⁵⁶ will not be resurrected, nor will they be tortured (גידונין)⁵⁷ [in Gehenna]⁵⁸. This means that the heathen will get what they designated for themselves.⁵⁹ The same fate was allotted by the rabbis to the sinful idolatrous generation of the Flood and to the men of Sodom⁶⁰ who respectively perished by water and fire.⁶¹ The sages added⁶² to this group the generation that died in the wilderness⁶³, i.e. they

⁵¹ I.e. innocent people may eventually pay with their head in such a case, see above, n. 45. The rabbis liked to add to the gravity of the sin of murder that of adultery and idolatry.

⁵² See above, n. 36.

⁵³ Comp. *The Gilgamesh Epic* xii. 151, and for the western beliefs see Cumont, *Lux Perpetua*, p. 84, 393.

⁵⁴ See Cumont *ibid.*, p. 306, J.H. Waszink's commentary on Tertullian's *de anima*, p. 565 ff.

⁵⁵ PT *Berakoth* ix. 2, 13 b, *Shebi'ith* iv, end, 35 c. Comp. *Tosefta Sanhedrin* xiii. 1, BT *ibid.* 110 b.

⁵⁶ I.e. those who repented and thereby wiped out their crimes, as is evident from the context of PT *Berakoth* *ibid.*

⁵⁷ See Lieberman, *Jewish Quarterly Review* vol. 35, 1944, p. 15, n. 99.

⁵⁸ The rabbis evidently put no time limit on their exclusion from Hades.

⁵⁹ See BT *Gittin* 57 a.

⁶⁰ According to Rabbi Nehemiah: Both groups "will not face judgment".

⁶¹ *Mishnah Sanhedrin* x (xii). 3.

⁶² *Mishnah* *ibid.* 4.

⁶³ I.e. the men who were present at the Revelation on Mount Sinai and witnessed all the miracles performed for the sake of Israel, yet they accepted the evil report of the spies.

will share the portion of the old heathen *biothanati*. But the rabbis clearly stated that the men who died in the wilderness were not ἄωροι; they died ὥρατοι, and the Talmud applied to them⁶⁴ the verse of Job (5:26): *Thou shalt come to thy grave in ripe age, [like as a shock of corn cometh in its season]*.

However, we should always bear in mind that the heathen notion of not being admitted into Hades may not have been fully comprehended by the Jews. The Jewish ideas about the pagan concepts of the fate of the *biothanati* and *ahori* were probably quite vague. However, the rabbis themselves were concerned with the destiny of certain *ahori*. In their earlier writings they apparently connected the fate of the *ahori* in the world to come with the respective laws regulating the disposition of their corpses.⁶⁵ So, for instance, according to the opinion of some rabbis, the corpses of still-born babies (including those of infants who could not survive thirty days after their birth) are disposed of simply throwing them into a pit.⁶⁶ The *Mishnah*⁶⁷ mentions: "A pit into which still-born children,⁶⁸ or men that had been slain were thrown," i.e. a ditch into which *ahori* and *biothanati* are plunged. Those *ahori* have certainly no right to be interred in the ancestral tombs.⁶⁹

If the child died after thirty days of his life, or if, regardless of his age, it can be proved that he (or she) was viable, but died by accident, "he may be considered by his father and mother and

⁶⁴ PT *Bikkurim* II. 1, 64 c. Comp. *Tosafoth* to BT *Mo'ed Katan* 28 a, s.v. ומיתה.

⁶⁵ Comp. the judicious remarks of A.D. Nock in *Vigiliae Christianae* IV (1950), pp. 132-133.

⁶⁶ See *Tosefta Ahiloth* xvi. 12-13, BT *Sanhedrin* 48 a, *Semaḥoth* xiv. 4. Comp. also *Mishnah Niddah* vii. 4 (regarding the custom of the Samaritans). Comp. Eccl. 6:3-4.

⁶⁷ *Ahiloth* xvi, end.

⁶⁸ נפלים. This term includes infants who died without living thirty days after birth. See also above nn. 13-14.

⁶⁹ *Sifre Deut.* 188, ed. Finkelstein, p. 227. Comp. Lieberman. *Tosefta Ki-Fshuta*, vol. v, p. 1337.

all his kinsfolks as a full bridegroom.”⁷⁰ He may be buried (if they choose to do so) with all the pomp of funeral rites.⁷¹

However, the love of parents was not satisfied with arranging a full funeral procession for their infant. What about the life of the baby in the world to come? The author of the *Sapientia Salomonis* records an interesting pagan custom with regard to the death of an *ahorus*. He informs us (14:15) that when a heathen father was afflicted with untimely mourning (ἀώρῳ πένθει), he used to make an image of the child taken away too soon, and would worship it as a god. This was a good consolation⁷² to a heathen father. The Jew comforted himself in a Jewish manner.

The rabbis assert⁷³ that the Lord Himself teaches Torah to the babies [who died in their infancy]. According to another version⁷⁴ the angel Metatron teaches them. This formulation was accepted by all the later *Midrashim*. The age of the dead children, taught by the angel, is not specified by the Talmud. A manuscript of a late *Midrash*⁷⁵ contends that the angel teaches all the infants who

⁷⁰ *Mishnah Niddah* v. 3, *Semaḥoth* III. 1.

⁷¹ See *Semaḥoth* III. 2-7.

⁷² From a book on Egyptian antiquities Fulgentius quotes (Th. Hopfner, *Fontes Hist. Relig. Aegypt.*, p. 685) the custom of an Egyptian father to erect an image of his dead son. The poor father was searching for a remedy to relieve his pain of grief (filii sibi simulacrum in edibus instituit dumque tristitiae remedium quaerit etc.). This is well understood in the light of the ancient Egyptian belief that the dead man retained some form of life as long as his image, or statue, existed (see Maspero, *The Dawn of Civilization*, London 1922, p. 193, n. 9, 194, 232 b ff., A. Parrot, *Refrigerium* p. 87). The destruction of the statue was considered by them a second death. Comp. also *Pg* cxvi, 624^c, and Lieberman *JQR* xxxv (1944), p. 26, n. 166.

The rabbis similarly, state (*Mekilta, Pisha* xiii, ed. Lauterbach, p. 100. Comp. *Mekilta de RASHBI*, ed. Epstein-Melamed, p. 29): When the first-born of one of the Egyptians died, they would make a statue of him and set it up in the house. On that night such statues were crushed, ground and scattered. And in their eyes that day was as sad as though they had just then buried their first-born.

⁷³ BT 'Abodah Zarah 3 b. Comp. v. Aptowitzer, *Hebrew Union College Annual* III, (1926), p. 126 ff. See also *REJ* III, (1881), pp. 44-45.

⁷⁴ Ibid. Comp. the *Gemara* of the minor tractate *Kalla* II, ed. Higger, p. 203.

⁷⁵ Cited by Steinschneider in a note to his Introduction in תגמולי הנפש by Rabbi Hillel of Verona, p. 19.

died before the age of thirteen years and one day.⁷⁶ On the other hand the *Midrash Othiyyoth deR. 'Akiba*⁷⁷ states that the angel gathers all the souls of the embryos that died in their mother's wombs, of the sucklings who died on the breasts of their mothers, and of the school children who died [during their study] of the five books of the Pentateuch. He arranges them into separate classes and teaches them Torah, wisdom (i.e. *Halacha*), *Haggadah* etc. In short, he gives them a complete Jewish education.

This seems to be an old belief. Clemens of Alexandria cites⁷⁸ the Apocalypse of Petrus which in its turn asserts: "The Scripture saith (ἡ γραφή φησι) that the children who have been exposed are delivered to a care-taking angel^{78a} by whom they are educated and brought up.⁷⁹ And they shall be, it saith, like the faithful in this world aged one hundred years." The same fate is allotted to the abortive babies.⁸⁰ The Apocalypse limits the education of the dead infants to the knowledge of a learned Christian a hundred years old. This is, of course, in accordance with the heathen beliefs,⁸¹ or, as Prof. A. D. Nock aptly puts it,⁸² "moralistic sophistications" adapted to these beliefs.

The rabbis put no limit to the education of the dead youngsters, nor to its duration. According to all rabbinic sources, the age of the children who benefit from the education supplied by the angel cannot exceed thirteen years and one day, the official time of

⁷⁶ I.e. the official age of maturity according to Jewish law. In *Kalla* *ibid.* the education is confined to infants up to four, or five, years old who did not taste the pleasure of sin.

⁷⁷ Ed. Wertheimer, Jerusalem, 1914, p. 11. Comp. Aptowitzer *ibid.* (above, n. 73), p. 126, n. 21.

⁷⁸ *Eclogae Proph.* 41.

^{78a} This reminds us of the legend about the children exposed by the Israelites (*Debarim Rabba*, ed. Lieberman, p. 14, and parallels), but that legend speaks of living children.

⁷⁹ ὅφ' οὗ παιδεύεσθαι τε καὶ αὔξειν.

⁸⁰ *Ibid.* 48: τὰ βρέφη τῶν ἐξαμβλωθέντα.

⁸¹ See F. Cumont, *Lux Perpetua*, p. 328. I find this span of human life in *The Brooklyn Mus. Aram. Papyri*, ed. Kraeling, No. 4 (dated 434 B.C.E.), ll. 17-18. Comp. also PT *Berakoth* II. 8, 5^c and parallel; Is. 65:20.

⁸² *Vigiliae Christianae* IV, (1950), p. 133, n. 15.

maturity. To the parents and near kin, any man who died before fulfilling all normal functions of life was an *ahorus*. In an epitaph from Egypt⁸³ a man forty-five years old is called ἄωρος.⁸⁴

Yet the posthumous education of the dead young could not completely satisfy their near kinsfolk. Did those unfortunate infants entirely disappear from this world just as if they had never existed, or will they be resurrected in the world to come? The rabbis disagree as to the age of babies who will be resurrected in the world to come. Some fix the age at the time the infant is able to talk, and some lower it to the moment of conception.⁸⁵ Apparently the latter opinion considers that the soul enters the body at that moment.⁸⁶

Some Babylonian rabbis link the resurrection of boys to their circumcision.⁸⁷ It appears that this last view appealed to the masses in particular. Rab Nahshon Gaon⁸⁸ reports the custom of circumcising a dead baby on the tomb and of giving him a name etc. in order that he may recognize his father at the time of resurrection.⁸⁹ M. Grossberg quotes⁹⁰ a manuscript according to which Rab Nachshon claims that this custom goes back to the time of the sages of the Talmud, and he offers the explanation "in order that the baby should not come to the other world without the seal." Similarly, Rabbi Joshua ibn Shu'aib reports⁹¹ the same

⁸³ Frey, *Corp. Insc. Iud.* II, p. 400, No. 1484.

⁸⁴ Comp. *Semahoth* III, 7.

⁸⁵ See PT *Shebi'ith* IV, end, 35 c, BT *Sanhedrin* 110 b. Comp. also *Kethuboth* *ibid.* 111 a.

⁸⁶ See BT *Sanhedrin* 91 b. Comp. Ginzberg, *Legends of the Jews*, vol. V, p. 80, n. 25; Aptowitzer *ibid.* (above n. 73), p. 126, n. 21, end.

⁸⁷ PT *Shebi'ith* *ibid.*, BT *Sanhedrin* 111 b.

⁸⁸ Fl. in the ninth century C.E.

⁸⁹ See Lewin, *Otzar ha-Geonim, Shabbath* I, p. 138; Aptowitzer l.c. (above, n. 73), p. 127, n. 22.

⁹⁰ חוצי מנשה, p. 19.

⁹¹ In his *derashoth* (ירא Cracow, 7 a). All the sources mentioned by Lewin and Aptowitzer *ibid.* do not name the "seal." The sign of circumcision is termed "seal" in *Tosefta Berakoth* VI (vn), 13 (BT *Shabbath* 137 b) and many other sources. Comp. the *Intern. Critic. Commentary on Ad Romanos* IV, 11, p. 107. A ms. *Midrash* (Cambridge T-S, Box C 2, 24) on Deut. 7:17 asserts that this

custom in the name of the *Geonim* with the same explanation "in order that he may bring the *seal* with him" (שיוליך עמו החותם).

The assertion that this custom goes back to the time of the Talmud is highly questionable, and it is hardly likely that Rab Nahshon ever claimed it. In fact some rabbis challenged the very custom.⁹² They contended that this was the conduct of women of their time.⁹³ The Karaite Judah Hadassi⁹⁴ reports that the midwife is the one who circumcises the dead infant, in order that he be resurrected with the other dead.

It is very plausible that altogether the custom is based on the excessive solicitude of parents for the child's future fate.⁹⁵ The mention of the "seal" in our context, which will help the dead infant to be resurrected⁹⁶ reminds us of the Christian σφραγίς⁹⁷

sign is the *seal of the Holy One* and the ζώνη (symbol of office) of Israel. Comp. *Or Zaru'a* 1, 3 d, 12, where this *Midrash* is cited (it reads יהוה וזני שלר, instead of יהוה וזני של ישראל). In *Midrash Shemoth Rabba* xix. 5 this seal is paralleled to קרדמנטס (סימנטיר). On σφραγίς as a mark of a slave (in this case a slave of the Lord), see Lieberman, *Tosefeth Rishonim* II, p. 168, *Tosefta Ki-Fshutah* III, p. 75.

⁹² See *Kelale ha-Milah* of Rabbi Gershom ha-Goser in *Sichron Berith Larishonim* ed. Glassberg p. 126 ff.

⁹³ ודאי נהוג נשי דידן למיחתכה.

⁹⁴ *Eshkol ha-Kofer* 113 b.

⁹⁵ See Aptowitzer l.c. (above n. 73), p. 127, n. 23.

⁹⁶ The sign of circumcision protects the man from the fire of hell and permits him to enter paradise, see the sources cited in *Sichron* ibid. (above, n. 92), p. 92 ff.

⁹⁷ It should be noted that all the numerous medieval rabbis who quoted Rab Nahshon did not mention "the bringing of the seal with him." The only exceptions are the manuscript (of an unknown date and origin) published by M. Grossberg and the Spanish rabbi (who was also a famous *Kabbalist*) in the fourteenth century. It is almost certain that the formulation of "bringing the seal with him" is of late origin, and it was not uttered by the great Babylonian Gaon. The Christians, of course, were well familiar with the seal of salvation and with the signet which enables the deceased to be admitted to certain regions in the other world (the latter notion was not foreign to the *Kabbalists* either). The sources referred to above, n. 96, avoid the word "seal," although in essence they are not far apart from our source. Comp. also above, n. 91.

and the similar hope connected with it.⁹⁸ It is obvious from the older rabbinic sources that dead infants were not circumcised in this world.⁹⁹

The Jews were concerned with the problem of the resurrection of not only the *ahori*, but also of certain *biothanati* and *insepulti*. The heathen believed that the souls of the latter lose their immortality (see below), and the Christians were afraid that they will not be resurrected. M.E. Le Blant devoted¹⁰⁰ a long article to the fears of the Christians that the martyrs who were consumed by fire, or devoured by wild beasts will not be resurrected. He further refers¹⁰¹ to various texts which indicate the anxieties of the heathen lest they perish in water, a superstition already alluded to by Homer.¹⁰² Servius¹⁰³ explains this as a fear which has its origin in the notion that water extinguishes the soul which is of fire.¹⁰⁴ Le Blant also calls attention to the letter of Synesius which portrays¹⁰⁵ the scene of the soldiers, standing with their swords drawn, ready to stab themselves in order to be saved from death by water.¹⁰⁶

⁹⁸ See H. Grégoire et M.A. Kugener, *Vie de Porphyre*, pp. 118–119. Comp. F. Cumont, *Lux Perpetua*, p. 443.

⁹⁹ See *Bereshith Rabba* III. 8, ed. Theodor-Albeck, p. 483. Comp. *Sichron* ibid. (above, n. 92), pp. 92, 93, and the novellae by Rabbenu Nissim Gerundi on BT *Mo'ed Katan*, p. 64.

¹⁰⁰ *Académie des Inscriptions etc., Mémoires* xxviii. 2, 1875, pp. 75–95.

¹⁰¹ Ibid. pp. 80–81.

¹⁰² *Od.* iv. 511; II. xxi. 281.

¹⁰³ *Ad Aeneid.* I. 98.

¹⁰⁴ The rabbis asserted that the almond-shaped bone of the spine (which will serve as the nucleus in the resurrection) can be destroyed neither by fire, nor by water, nor by mill stones, nor by hammer (see above chapter I, n. 45). The only exception was the water of the Flood which wiped out that bone (*Bereshith Rabba* xxviii. 3, p. 262). Consequently the generation of the Flood will not be resurrected nor face judgment. See above, n. 61.

¹⁰⁵ PG LXVI, 1333 c. Comp. Juster, *Les Juifs dans l'empire Romain* II, p. 324, n. 5.

¹⁰⁶ Le Blant, naturally, omitted the Jewish element in this letter, for it really has no direct bearing on the subject. The majority of the crew and the captain of the boat were Jews. During the frightful panic of all the Gentiles, only the captain, Amaranthus the Jew, remained in a good mood (ibid. 1333 a: μόνος Ἀμάραντος εὐθυμος ἦν). Synesius accounts for it by explaining: "For

Thus, in the beginning of the fifth century C.E. this superstition was still approved¹⁰⁷ by the future bishop¹⁰⁸ of Ptolemais (in Cyrenaica).

The Jews were gripped by the same fears. The rabbis relate¹⁰⁹ that a great number of children were captured by the Romans who intended to use them for shameful purposes. They decided to throw themselves into the sea in order to avoid their abominable fate, but they were apparently worried lest they will not be resurrected after having drowned in water. The oldest of them quoted the verse of Psalms (68:23): *I will bring back from Bashan, I will bring back from the depth of the sea*. From Bashan ("Mib-bashan") means from between the teeth¹¹⁰ of lions, *I will bring back from the depth of the sea* refers to those who were drowned in the sea. The Christians quote the Apocalypse of John (XX. 13) to this effect, and in their medieval paintings they portray monsters, each belching out the body of a man.¹¹¹

In spite of the assurances of the rabbis, the Jewish masses of the tenth century C.E. were still haunted by the fear that those who perished by water might not share in the resurrection of the dead, as is obvious from the story told in the *Sefer ha-Qabbalah* by Rabbi Abraham ibn Daud.¹¹²

now he will finally defraud his creditors." This is a very lame excuse for being in good spirits. From the beginning of his account, Synesius aims to make fun of the financial stress of the captain, and he remained true to his literary style. It is more likely that Amarantus remained cheerful not because he saw a chance to perish and thereby defraud his creditors, nor because he believed in resurrection even if he should vanish in water (he was a very pious Jew, as Synesius described him above, *ibid.*), but because he was an experienced captain (see *ibid.* 1332 a). He appraised the situation better than his passengers, and he must have been genuinely amused by watching "those natural descendants of Homer" (τοὺς αὐτοφύεις Ὀμηρίδας) in a state of deathly panic.

¹⁰⁷ *Ibid.* 1333 c.

¹⁰⁸ At that time he was still a heathen.

¹⁰⁹ BT *Gittin* 57 b, *Midrash Eka* (to Lam. 1:16).

¹¹⁰ I.e. מבין שיני, see also *Sifre* Deut. 317, ed. Finkelstein, p. 360, line 4.

¹¹¹ See Le Blant *ibid.* (above, n. 100), p. 86, n. 1.

¹¹² Ed. Neubauer, p. 68. Comp. M. Stein, *Tarbiz* ix, 1938, p. 273, and G. Cohen, *Proceedings of the American Academy of Jewish Research* vol. xix (1960-1961), pp. 59-60 and notes *ibid.*

An interesting *Midrash* is quoted by Raymund Martini¹¹³ in the name of Rabbi Moshe ha-Darshan.¹¹⁴ This *Midrash* contends that the Messiah offered to accept voluntarily all suffering provided "that the dead [who were deceased] in my time be resurrected as well as those who died from the time of Adam until now. And not only those should be saved, but even those who were devoured by the wolves and lions, and those who were drowned in the waters of the sea¹¹⁵ and in rivers. And not only those should be saved, but even the abortions,¹¹⁶ and not only they, but even those whom Thou hadst planned to create, but they were not created."

It is evident that this late *Midrash*¹¹⁷ asserts that the Messiah asks for the resurrection of the *biothanati*, *insepulti* (devoured by wolves and lions, drowned in water) and *ahori* (abortions). Moreover, the Messiah adds a new class: Those whom the Lord had in mind to create but He did not do so.

I am certain that this is based on a tradition recorded in the *Midrashim*¹¹⁸ and in the Babylonian Talmud.¹¹⁹ We read there (i.e. in the Talmud)¹²⁰ that all the generations [that the Lord intended to create but] which were never created, were driven out (וטרדן) from their place in heaven¹²¹ and amalgamated in the fire of the "fiery stream" (literally: the fiery stream is emptied, or poured, on those generations) mentioned in Daniel 7:10. This

¹¹³ *Pugio Fidei*, ed. Carpzov, p. 416.

¹¹⁴ Flourished in the first half of the eleventh century C.E.

¹¹⁵ The Hebrew reads: במים, but in the Latin translation *ibid.*, p. 417, he quotes: *in aquis maris*; hence the Hebrew should read: במי ים.

¹¹⁶ In the Latin *ibid.*: sed etiam abortivos.

¹¹⁷ On its authenticity see Lieberman, *Shkiin* (Hebrew), p. 58.

¹¹⁸ *Bereshith Rabba* xxviii. 4, pp. 262–263. There are many variations of this tradition, see Theodor's notes to the *Midrash* a.l. Apparently, according to one tradition the Lord destroyed the souls of the generations He intended to create together with the generation of the Flood, when he saw the crimes of the latter.

¹¹⁹ *Haggigah* 13 b–14 a.

¹²⁰ According to the reading of 'Ein Jacob (comp. also cod. Monacensis *ibid.*), *Rashi* and *Tosafot* a.l. in the first tradition of the Talmud. The words דאמרי איכא report another version.

¹²¹ See BT *ibid.* 12 b.

was not a punishment for souls which had never been in a body; they were simply discarded. This is why the above mentioned *Midrash* quite reasonably counts those souls among the *biothanati*, *insepulti* and *ahori*. This is also well understood in the light of the different tradition recorded above, n. 118.

The early and genuine rabbinic tradition claimed that the violent premature death of the ordinary sinner, or his lack of burial, will serve as atonement and help him to gain his portion in the world to come.¹²² The Christians subsequently adopted similar notions, and in late medieval times some of their pious men went to the extreme of asking that their dead bodies be thrown out into the field, or into the river, like the corpses of animals.¹²³ Among Jews such a will would not be executed,¹²⁴ for the degradation and the disgrace of a human body are contrary to Jewish law.

¹²² *Sifre Num.* 112, ed. Horovitz, pp. 121–122. Comp. the reading in BT *Sanhedrin* 47 a, and see 47 a – 47 b *ibid.* The opinion in שאילתות, 14, and other medieval books that total lack of burial is a bad sign for the deceased is to be understood as meaning that such drastic punishment indicates that the dead man was a grave sinner. But the posthumous dishonor of ἀταφία serves as an atonement for serious transgressions of the Law, as is obvious from BT *Sanhedrin* 46 b and 104 a.

¹²³ Le Blant *ibid.* (above, n. 100), p. 88.

¹²⁴ See BT *Sanhedrin* 46 b, PT *Kethuboth* xi. 1, 34 b. In the latter source we find a hypothetical question of a person asking in his last will to be cremated and the ashes to be used as manure. The expression עבֹר עבֹרָה in this context is a technical term for work in the field. Comp. *Mishnah Shebi'ith* iii. 1, and PT *ibid.* iii. 1–2, 34 c. According to one version (Diog. Laert. vi. 79), Diogenes the Cynic left instructions that his dead body be thrown into the Ilissus in order that he might be useful to his brethren (ἵνα τοῖς ἀδελφοῖς χρήσιμος γένηται).

ADDITIONAL NOTE

On p. 496 I quoted the word משומדים from the *Tosefta*. This is the reading of all the parallel sources.¹ The word מומר never occurs in any ancient manuscript of the Talmud and earlier rabbinic sources; nor is this word to be found in any of the ancient uncensored printed editions of the above mentioned sources.

R. Rabbinovicz in his *Variae Lectiones* to the Babylonian Talmud did not always record the true reading משומר (instead of the emended מומר) from the manuscripts and the early printed editions. Moreover, by sheer habit he sometimes erroneously quoted מומר from cod. München. So, for instance, in his work to BT *Horayoth*, p. 34, he cites מומר twice from that codex. However, both cod. München and all ancient printed editions read משומר in these two instances as well. Our printed editions of BT *Hullin* 4b record the word מומר nineteen times in this one single page. In the *Variae Lectiones* a.l. there is not one variant of this word. However, cod. München and all ancient printed editions invariably read משומר. Similarly, in BT *Pesahim* 96a the manuscripts read משומדות instead of המרת דת of the censored printed editions.² The same can be said about BT *Succa* 56b. The manuscripts, the ancient printed editions and the parallel passages read שנשמדה instead of שהמירה דחה of our censored editions of the Babylonian Talmud.

As a matter of fact the *Geonim* were at a loss with regard to the explanation of the word משומר.³ This bears witness to the antiquity of the term.

Rab Saadia Gaon in his *Book of Doctrines and Beliefs* (translation of A. Altman, p. 130–131) states: “As to the disobedient

¹ *Sder 'Olam Rabba* III, end, ed. Ratner, p. 9 b, BT *Rosh Hashanah* 17a in the uncensored editions of the Talmud and all the mss., see R. Rabbinovicz, *Variae Lectiones* a.l., p. 32, n. 50.

² The ancient editions mistakenly read משמרות instead of משמדות.

³ See *Aruch Completum* s.v. שמד and the *Addimenta* by S. Krauss etc. s.v. שמד.

he is one who singles out one particular law which he makes it a rule always to transgress. Our ancient teachers call him משומד (an apostate)".⁴ We have here explicit testimony that the word משומד is not a later invention.⁵

⁴ Rab Saadia's remark is correct. It is based on PT *Kiddushin* I. 10, 61d. Comp. also *Tosefta Horayoth* I. 5, BT *ibid.* 11a. Rab Saadia's statement has nothing to do with the divergence of opinions as to whether a משומד לדבר אחד, an apostate with regard to one commandment, is considered a thorough apostate. Rab Saadia talks about a man who made it his principle *always* to violate a certain commandment. The context in PT *Kiddushin* l.c. certainly supports his view.

⁵ As to the original meaning of the word see Lieberman, *Tosefta Ki-Fshutah* III, p. 402, n. 45. I subsequently found that E. Levitas had already explained the origin of the word in his תשבי s.v. שמד. However, he offered no proofs for his thesis.

22.

TALMUDIC-MIDRASHIC AFFINITIES OF SOME AESOPIC FABLES

HAIM SCHWARZBAUM, *TEL-AVIV, ISRAEL*

Comparative Fable Lore—to my mind—should be studied against the background of those fables rooted in the literatures and cultures of the Ancient Near East.¹ Folklorists interested in this genre of narrative lore will profit much from a comparative study of the Ancient Sumerian, Accadian, Egyptian, Hebrew as well as Greek and Mediaeval European texts, some of which, particularly the *Sumerian texts*, have only recently been unearthed, studied, translated and published by specialists.²

Despite extensive scholarly work much of the newly available material unfortunately remains inaccessible to Folklorists. An attentive study of the material embedded in the so-called *Aesopic tradition* more and more reveals the fact that quite a considerable number of elements rather hark back to the fable lore current in the cultural orbit of the Ancient Near East. On the other hand, very often many an Aesopic fable enables us to elucidate an Ancient Near Eastern text, usually couched in a somewhat succinct and rather problematical, somewhat cryptic diction and obscure style. One example has recently been given by me (cf. my forthcoming *Studies in Jewish and World Folklore*, No. 80). Here I shall adduce another illustration of this phenomenon.

1) Folklore scholarship is in need of a comprehensive Type and Motif Index to the vast literature of the Ancient Near East, including Ugaritic Literature (Ras Shamra Mythological texts).

2) Ben Edwin Perry has recently emphasized that "in the Sumerian proverbs from Nippur, viewed in the light of their later tradition in the Semitic Orient, we have the final answer to a question that was often asked and variously resolved by philologists and folklorists in the last century, namely, when and where did the Aesopic fable, as known to the Greeks, originate? As a form it did not originate with the Greeks themselves, and it did not come to them from the Hindus or the Egyptians or the Hebrews; it came to them from the *Sumerians* by way of the neo-Babylonian and Assyrian wisdom literature". See *American Journal of Archaeology*, vol. 66 (1962), p. 206 f.

Edmond I. Gordon in his exquisite recent collection of *Sumerian Proverbs* (Philadelphia 1959), p. 244, No. 2.94, gives the following Sumerian dictum: "Upon my escaping from the wild-ox, the wild cow confronted me!" Here the interesting fable cited by the prophet Amos (V 19), and overlooked by Gordon, springs to mind: "As if a man did flee from a lion, and a bear met him (and he did flee from the bear too), and then went into the house, and leaned his hand on the wall and a serpent bit him".³

Now much fresh light is shed both upon the Sumerian and the Amos fables by an Aesopic fable (cf. Chambry No. 45, Halm No. 48, B. E. Perry, *Aesopica*, Urbana 1952, No. 32) which may be epitomized as follows: A certain murderer, being pursued by the "Avenger of Blood" (cf. Num. 35, 19), ultimately succeeds in reaching *the shores of the Nile*, but upon escaping from his "Revenger of Blood" a wolf confronts him. Terrified by the wolf, he ascends a tree standing near the shores of the Nile, but here again he encounters a serpent. At last he jumps into the river, but there he is finally devoured by a crocodile. There is thus no escape from Fate. The pattern of three animals is extant both in Amos (Lion, Bear, Serpent) and in Aesop (Wolf, Serpent, Crocodile). The foredoomed hero perishes by the third animal both in the Aesopic and Amos versions of the fable. The Aesopic fable even more clearly shows us that the murderer is destined to die by hook or by crook, although initially he succeeds in escaping from several "Blood Revengers". The mention of the shores of the Nile is—to my mind—extremely important, as it helps us to discover the original pattern, or even the source, of this Aesopic fable. Indeed I think that the ancient Egyptian story of the Foredoomed Prince, contained in a papyrus known as Harris 500, should be regarded as the source of our Aesopic fable. According to the Egyptian version of the story it is just prophesied by the Hathors that the newly born prince will perish by one of the following three animals: 1) The Crocodile, 2) the Serpent or 3) the Dog. When the King hears of this prophecy he causes "a house of stone in the desert" to be built for the prince,

3) Amos' fable reminds us of the Aesopic fable (Babrius 210, Halm 129, Chambry 104, Span, *Mishle Aisopos*, Jerusalem 1960, No 167. Perry No. 76): A deer being hard pursued by the dogs found a cave into which he rushed for security, but there a lion sprung upon him. Being at the point of death he complained thus: "Unhappy creature that I am! I entered this cave to escape the pursuit of men and dogs, and are fallen into the jaws of the most rapacious of all wild beasts" (cf. Wienert, FFC 56, ET 86, ST 261, and *ibid*, p. 49, note 3). Thompson, *Motif-Index* N 255.1; Perry, *Babrius and Phaedrus* (1965) p. 435, No 76.

and the child is not to go outside it". The prince, however, wearies of his life in the castle, just as does the hero of another extremely interesting Aesopic fable (cf. Babrius No. 136, Chambry No. 295, Halm No. 349, Perry, *Aesopica* No. 363) which is even more akin to the same Ancient Egyptian source, because in both the Egyptian and Greek versions the father of the foredoomed boy endeavours to thwart Fate, but, of course, fails in his efforts. According to the Egyptian version (extant in papyrus Harris 500) the prince goes off to Naharaim = Biblical "Aram Naharaim" = Mesopotamia) where he comes across the young nobles of the country trying to win the chief's daughter by climbing to her window. Our prince succeeds in reaching the princess and marrying her. The first attempt on the prince's life is made by the Crocodile, but the latter is defeated by a certain "valiant person". The second attempt is made by the Serpent, but the latter is defeated by the watchfulness of the prince's wife who made the serpent drunk and then killed him.

The rest of this interesting text is unfortunately damaged. Various attempts have been made to supplement the missing part. Thus Joachim Spiegel (*Aegyptologie*, 2-ter Abschnitt, *Literatur*, Leiden 1952, p. 136) is of the opinion that the prince finally succeeds "der Verhaengnisse, die nacheinander an ihn herantreten, Herr zu werden". I think, however, that A. Erman (*Die Literatur der Aegypter*, Leipzig 1923, p. 210) is quite right when he writes i.a. "es muesse richtiger heissen: der Prinz, der dem verhängten Geschick nicht entfliehen konnte. Denn wenn auch der Schluss fehlt, so ist es doch klar, dass den Prinzen trotz aller Vorsicht sein Schicksal ereilt".⁴ The main idea expressed in the above-mentioned Sumerian dictum (which is perhaps the earliest form that our fable has assumed), as well as in Amos' fable, and in the Ancient Egyptian story, is that a mortal is quite unable to frustrate Destiny and to escape from Fate (cf. H. Schwarzbaum, *Studies in Jewish and World Folklore*, No. 309). In the Aesopic fable too (e.g. Babrius No. 136, Chambry No. 295, Halm No. 349, Perry, *Aesopica* No. 363, Bolte's notes to Pauli's *Schimpf und Ernst* (1924), No. 827, BP IV 116 note 10, Thompson *Motif* M 341.2.10, and Aa-Th *Types* 934 ff., especially Type 934 A: "Predestined Death") the old man dreams that his son will be killed by a lion. In order to obstruct and traverse Fate he acts like the King in the ancient Egyptian story, building a castle

4) For a different opinion see J. M. Grintz's Hebrew anthology of Ancient Egyptian Tales entitled "*Mivhar Ha-Sifrut Ha-Mitzrit Ha-'Atika*". Tel Aviv, 1958, p. 79.

raised high above the ground and keeping his son there under guard. The hall is decorated with pictures of all sorts of animals, including a lion. The boy is extremely annoyed when he sees the picture of the lion ("Curse you! It is because of you and my father's lying dream that I am mewed up here like a woman...") And as he spoke he struck his hand against the wall as though he would knock out the lion's eye. His hand is thus hurt badly and soon he dies. The prophecy is thus fulfilled, although it was only a painted lion, and all the father's efforts to thwart Fate prove futile. In some modern versions of a tale recorded in the U.S. (see D. Noy's notes to *Folktales of Israel*, Chicago 1963, p. 31, No. 13: "No escape from Fate") "a man forewarned of death by means of a horse on a certain day, spends the day in bed. A picture of a horse drops from the wall and kills him". The picture of a horse or a lion occupies the place of the real animal. Moreover, I think that our Aesopic fable exquisitely conveys the extremely popular notion of Deception by Equivocation (cf. *Motif* K 2310, and Haim Schwarzbaum, *Studies in Jewish and World Folklore*, pp. 54 ff., bearing on *Motif* M 341.3.1).⁵

We have thus seen that a comparative study of Ancient Sumerian, Egyptian, Biblical (Amos) and Greek (Aesopic) fables contributes to the elucidation of various aspects of this genre of folklore. Walter Wiernert, *Die Typen der griechisch-römischen Fabel* (Helsinki 1925-FFC 56), p. 140, ST 458, should add this "Sinntyp" to the class of fables (ST 460) illustrating the idea "dass niemand seinem Schicksal entgehen kann". Cf. also the epilogue of the IFA tale No. 881=D. Noy, *Jefet Schwili erzählt* (Berlin 1963), p. 239 (end of No. 98), as well as Aa-Th *Type* 947: "The man Followed by Bad Luck". He escapes from one trouble only to meet with another. Finally, apparently safe, he is killed by a falling stone wall. The story is extant in some Arabic versions of the famous Kalilah-wa-Dimnah, (see e.g. the recent edition, Haifa 1963, p. 96; A. Elmaleh's Hebrew Translation, Tel Aviv, 1926, p. 37). It is also to be found in the old Spanish version of Kalilah wa-Dimnah, see J.E. Keller, *Motif-Index of Mediaeval Spanish Exempla* (1949), *Motif* N 253.

For a satirical interpretation of the Amos fable by the Rabbis see the Babylonian Talmud, *Sanhedrin* 98b.

Another case of a fable common both to Ancient Egyptian and

5) See also Thompson-Roberts, *Types of Indic Oral Tales* (Helsinki 1960), FFC 180 *Type* 336, and the new AT *Type* 934 B.

Hebrew folklore is the so called second "jar-text" fable (demotic period) relating the story of the swallow and the sea (cf. BP IV 101, note 1, and Ronald J. Williams, "The Fable in the Ancient Near East", in *A Stubborn Faith*, ed. by E. C. Hobbs, Dallas 1956, p. 18). The swallow entrusted her young to the sea. The latter however, "rose raging vehemently and cast the young of the swallow away from it". The Swallow demands her young from the sea ("If you do not give back my young which I entrusted to you, I will scoop you up this very day and carry you to the sand. I shall bail you out with my beak and carry you to the sand"). She puts her threat into effect (cf. *Motif J* 1968: "Absurd Attempt to punish the sea", and *J* 1967: Numskull bales out the stream.^{5a}

In Rabbinic literature (*Midrash Abba Gorion* = A. Jellinek, *Bet Ha-Midrash* I 8, *Esther Rabbah* VII 10 and *Talkut Shimoni* to Esther, No. 1054), the foolish fight of the bird with the sea is even more emphasized. The fable runs as follows: "To whom may the wicked Haman be likened? To a bird which established its nest on the sea shore. The sea has, however, flooded the nest. The angry bird said: I will not budge until I turn the sea into dry land, and the dry land into a sea".

The bragging bird (see Schwarzbaum, *Studies*, etc. No. 80) acts just as the Swallow in the Egyptian fable, filling his mouth with water from the sea, and spilling it on dry land, and then taking some earth from the dry land and casting it into the sea. His friend says: "O unlucky wretch! How can you achieve your aim?" Similarly the Almighty said to the wicked Haman: "O bull-head! You will never be able to annihilate this people" (i.e. the Jews), cf. *Motif Z* 61.

There is no doubt that such Aesopic fables as Chambry No. 311; Halm No. 370, Perry, *Aesopica* No. 207, Wienert (FFC 56) ET 407, ST 219, *Motif J* 11: "Shipwrecked shepherd distrusts the sea", or Babrius No. 71, Halm No. 94, Chambry No. 245, Perry No. 168, Wienert, ET 406, ST 317, *Motif J* 1891. 3 ("Sea foolishly accused of cruelty") have some bearing on our Midrashic fable.

In Phaedrus I 20, Babrius No. 226, Halm No. 218, Chambry No. 176, Perry No. 135, La Fontaine VIII 25 = Y.L. Gordon, *Mishle Ye-hudah* IV 20, *Motif J* 1791. 3. 2 (and *J* 1791. 3.1). Aa-Th Type 34 B, the dogs try to get the raw hide or cheese sunk in the river by drinking the river dry.

Apart from the Egyptian, Hebrew and Greek versions of our fable,

5a) E. Brunner-Traut, *Altägyptische Märchen* (1963), p. 126, No 19.

of vast interest is the version embedded in the old Jataka 146 (flock of crows try to bail out the sea), cf. the references given by L. Bødker in his admirable preliminary survey of *Indian Animal Tales* (FFC = 170, Helsinki 1957, No. 975.)⁶

The Rabbinic Sages were well versed in the Aesopic tradition. This can easily be ascertained from the rich material extant in the Talmudic-Midrashic Literature. A few specimens will be given here. Alexander Scheiber has recently shown (in *Acta Antiqua Acad. Scientiarum Hung.*, IX 305; X 233 f.) that the following two Rabbinic items should be traced to Phaedrus' collection of Aesopic fables:

1) The Talmudic proverb (*Shabbath* 104a) "Truth has a locus standi, whereas Falsehood has no foothold", is dependent on Phaedrus, App. 5-6 = Perry, *Aesopica*, No. 535: "Prometheus et Dolus" = Wienert (FFC 56), p. 36: "Prometheus, Dolus und die Bildnisse der Luege und Wahrheit".⁷

2) The popular Midrashic story of the Dispute between the Rabbi and the merchants during their voyage on ship. The ship sinks, all the passengers are saved, but only the learned Rabbi succeeds in obtaining a nice livelihood in the unknown city, whereas the other shipwrecked, impoverished passengers do not get anything (cf. e.g. D. Noy in the Report of the *Intern. Kongress der Volkserzählforscher in Kiel u. Kopenhagen* (Berlin 1961) p. 242, Type 750* F(Noy): "Torah (Learning) is the best merchandise", and Motif J 222, which has a fine counterpart in Phaedrus IV 23 = Perry, *Aesopica*, No. 519, "De Simonide") (Homo doctus in se semper divitias habet etc.); Wienert ET No. 472, ST 486; H. Schwarzbaum, *Studies in Jewish and World Folklore*, p. 631.

To these two items I should like to add a few more Rabbinic stories which I think are rooted in Phaedrus.

3) Phaedrus IV 26 = Perry No. 522: "Simonides a Dis Servatus"; La Fontaine I 14. Just as Simonides is saved from the collapsing house so is the Talmudic saint Nahum Ish Gamzu, of whom it is related in the Babylonian Talmud (*Ta'anith* 21 a) that he was blind on both eyes, crippled on both hands and legs, and his whole body was

6) Cf. also J. Jacobs, *The Fables of Aesop*, vol. I (London 1889), pp. 71 f.

7) It is rather significant that in conformity with another Aesopic fable (Chambray 259, Halm 314, Babrius 126, Perry No. 355, Wienert ET 471, ST 169, *Motif Z*. 121. 1), Truth has to leave the city for the desert, "because times have changed. In days gone by, lying was confined to a few, but nowadays whenever you talk to people you find they are all liars"...

covered with sores. He was lying in a bed in a tottering house. When his disciples wanted to remove his bed first and then his implements and belongings he said to them: "First take out everything extant in the house and then remove my bed, for you can rest assured that as long as I am in this house it will not fall". As soon as they removed his bed the house collapsed. Similarly, Acquilius Regulus is saved (cf. Martial I 12 and 82 and see O. Weinreich, *Fabel, Aretalogie, Novelle*, Heidelberg 1931, p. 38). Weinreich has overlooked our Midrashic story, nor has he noticed the much earlier Biblical story of Lot and his family (Gen. XIX 16).⁸

4) Another case is the famous story of the Talmudic sage Rabbi Banaah (see Bab. Talmud *Baba Batra* 58a; A. Wesselski, *Mönchslatein*, Leipzig 1909, pp. 200-201, No. VI; H. Schwarzbaum, *Studies*, pp. 58 and 486 f.) who like Aesop in the Phaedrus recension IV5 = Perry No. 512, cleverly interprets a cryptic or enigmatic will ("Testamentum aenigmaticum"). cf. La Fontaine II 20: "Testament expliqué par Esopé". The *Vicramacaritra* version (Benfey, *Pantschatantra* I 407) is much more akin to our Talmudic Version than the Phaedrus version, nevertheless both in Phaedrus and in the Talmud an obscure will is clarified by a sage. Aesop as well as R. Banaah are personages fraught with rich materials of folklore.

Saul Lieberman in his brilliant work, *Greek in Jewish Palestine* (New York 1942, pp. 144 ff.) has adduced plenty of examples testifying to the frequent use of Greek proverbs by the Rabbinic sages. The latter have also employed many an Aesopic fable. This material is extremely interesting because of the particular diction employed by the Rabbis, and of the characteristic epimythia pointing out some truth of an ethical, moral or even eschatological and religious nature. Theodor H. Gaster in his admirable work, *The Holy and the Profane, Evolution of Jewish Folkways* (New York 1955), p. XI, is quite right in stressing the fact that the "Jews were not mere 'copycats', and did not borrow mechanically. The characteristic trait of Jewish folklore — according to Gaster — is a genius for infusing into originally 'alien' material a new and more spiritual meaning and significance born of their own distinctive heritage and tradition".

The following is a brief survey of a few Rabbinic fables having some affinities with Aesopic fables. Because the Rabbis do not slavishly

8) See also Babrius 144, Chambry 79, Halm 92, Span No. 5, Perry No. 296, Wierert ET 339, ST 353, *Motif* B 521. 2. 1.

follow the Greek originals their fables are of much interest for general fable lore.⁹

I:—A short controversy between the Mouth and the Belly, characteristically transposed by the Rabbis to a distinctively eschatological plane, is extant in the old *Midrash Genesis Rabbah* 100, 7. It runs as follows: "In the future world (i.e. "the Otherworld") the Mouth and the Belly will have a Dispute. The Mouth will say to the Belly: All the things that I had purloined and grabbed I placed within your domain". After the elapse of three days the Belly will however burst asunder, and it will say to the Mouth: "Herewith everything filched and grabbed by you is being returned to you. Take it please". See also *Midrash Eccles. Rabbah* XII 6. Of much interest is also the Dispute of the Body and the Soul (= *Motif* E 727) narrated in the Babylonian Talmud in a mastery fashion (cf. *Sanhedrin* 91a). The two disputants endeavour to shift the guilt and responsibility for a mortal's depravity in "this world" on each other, the Body pleading that only the Soul is responsible for all human sin, because from the day it left the Body the latter lie like a dumb stone in the grave, committing no transgression, whilst the Soul retorts that as soon as it leaves the Body of a mortal it flies about in the air like a bird committing no sin. The famous parable of the blind man carrying the lame fellow (*Motif* N 886 and BP IV 323) is adduced in order to lay stress on the common responsibility of the Soul and Body of a mortal for the latter's conduct in life on the Day of Judgment.

J. Jacobs, *The Fables of Aesop* (London 1889) I 82-88 and 247, and A. Wesselski, *Märchen des Mittelalters* (Berlin 1925) pp. 242-244, whilst discussing another interesting Rabbinic version of a controversy between the various organs of the human body and the Tongue (cf. H. Schwarzbach, *Studies* p. 35) have overlooked the above mentioned Midrashic specimens (cf. also F.M. Göbel, *Jüdische Motive im Märchenhaften Erzählungsgut* (Gleiwitz 1932), p. 249, note 2. I should like to point out that whereas the Rabbinic versions are of a strictly eschatological nature, the Aesopic version (Halm. No. 197, Chambry No. 159, Perry, *Aesopica* No. 130, Aa-Th *Type* 293, *Motifs* J 461. 1 and A 1391) has a more worldly, mundane character. Here the Belly and the Feet are not arguing with each other about moral responsibility for a mortal's laxity and depravity. They are just having a dispute about their strength.

9) A more comprehensive survey of the Talmudic-Midrashic material is extant in my forthcoming work, *The Oriental Fable*.

Similarly in the Ancient Egyptian version extant on a wooden writing-board of the 22-nd Dynasty (945-725 BC) we have a Controversy between the Head and the Stomach, cf. A. Erman, *Die Literatur der Aegypter* (1923), p. 224 f.; J. Spiegel, *Aegyptologie, Literatur* (Leiden 1952) p. 136; Ronald J. Williams, in *A Stubborn Faith* (1956) p. 6. Williams (*ibid* p. 7) has overlooked our Rabbinic fable of the Dispute between the Mouth and the Belly. His references to Isaiah X 15 and XXIX 16 belong to a rather different type of fable. Livy's version (2, 32) reminds me of I Corinthians XII 14-26, which should be added to the references in BP IV 100, note 2, which in turn should be added to Aa-Th Type 293. Brunner-Traut p. 126 No 18.

II:— The famous Aesopic fable (Babrius No. 86, Chambry No. 30, Halm No. 31, Perry No. 24, Wienert, FFC 56, p. 60, note 3, Aa-Th Types 41 and 41* = Rumanian version, FFC 78 No. 35 I*: Fox in the Orchard has overeaten and must fast six days so as to get back through the hole) is narrated in a masterly fashion in *Midrash Eccles. Rabbah* V 21, and *Yalkut Shimoni* to Kohelet, No. 972. The fox has to fast three days in order to get back through the hole, but as soon as he leaves the vineyard he exclaims with pathos: "O Vineyard, Vineyard! Of what use are all the excellent fruit extant in your midst. I am as hungry as before".

To the Aesopic versions of this fable a rather trivial epimythium is appended: "This fable teaches that time solves difficult issues". The Rabbinic versions, however, are furnished with a more organic and more profound moral bearing on the very destiny of mortals and the ultimate lot of man. It runs: "Such is the course of this world, as stated in Eccles. V 15, "As he came forth of his mother's womb, naked shall he return to go as he came, and shall take nothing of his labour", etc. This fable was just adequately employed by the Rabbis in order to illustrate the point stressed in Eccles. V 15. This Biblical verse, has led them to utilize an Aesopic fable. Cf. Haim Schwarzbaum in *Yeda 'Am* vol. VIII, pp. 54 f, and my forthcoming monograph on Rabbi Berekhia's *Mishle Shualim*, No. 35.

III:— The most exquisite and interesting fable is that narrated by Rabbi Akiba in the Babylonian Talmud (Berakhot 61b, cf. also M. Gaster, *Exempla of the Rabbis*, 1924, p. 189, No. 20, and Thompson *Motif J* 758. 3). Here the Fox tries to lure the Fish out of the river by means of flattery. He says to them: "Would you like to come up on the dry land so that you and I can live together in the way that our ancestors lived" (i.e. in friendship and love).

Because of lack of space I shall not discuss this fable here in detail. This has just been done by me in my forthcoming monograph on Rabbi Berekhia's *Mishle Shualim* No. 6. Here I am anxious to point out that B. Heller is rather mistaken thinking that there is no parallel to Rabbi Akiba's fable "in der sonstigen Fabelliteratur" (BP IV 319). It is enough to mention such an old fable as that embedded in *Jataka* No. 236 (Cowell II 162), where a crane (like our Talmudic fox) places himself near a pond looking vacantly at the fishes, waiting till they are off their guard, but a wise fish (like our clever and poignant Talmudic fishes) finds out the crane's trick and drives him away (cf. L. Bodker, *Indian Animal Tales*, No. 405). The fable narrated by Rabbi Akiba belongs to the quite large category of fables classified in my *Oriental Fable* as the Fox Outwitted (or "Outfoxed"), see e.g. Aa-Th 62, *Motif* J. 1421, and my notes in *Fabula* VI 186.

In our Talmudic fable the fox is outwitted by the fishes who say to him in a quite sarcastic vein: "Are you termed the most clever of animals?, You are rather the most stupid of animals! If we are in constant fear (of human nets) in the element in which we live, how much more on dry land where we would surely die!" Rabbi Akiba employs this fable in order to point out that Torah study is as vital to the very existence of Israel as water is to the very existence of the fish (cf. the exquisite Talmudic statement in *Abodah Zara* 3b: "Why is man here (in *Habak* I 14) compared to the fishes of the sea? To tell you that just as the fishes of the sea, as soon as they come on to dry land, die, so also man, as soon as he abandons the Torah and the Precepts, incurs destruction."

In the rather old Greek fable narrated by Herodotus (I 141: cf. also Babrius No. 9, Halm No. 27, Chambry No. 24, La Fontaine X 10, Perry, *Aesopica* No. 11, as well as the New Testament echo: "We have piped unto you, and you have not danced", e.g. Matt. XI 17; Luke VII 32, Thompson *Motif* J 1909. 1), the Piper imagines that the fishes would come out to him upon the dry land. He thinks that by his piping to them they will abandon the element in which they live just as the Talmudic fox thinks that by his flattery he would lure the fishes out of the river. Whereas in the Talmudic version the fishes succeed in outfoxing the fox, who is thus thwarted in his attempt at luring them out of the water, and in *Jataka* 236 the "wise fish" succeeds in outwitting the crane, in Herodotus' fable, just as in such other Aesopic fables as those contained e.g. in Babrius No. 208, Halm No. 186, Chambry No. 150, Perry No. 116, or in such Indian fables as those

epitomized by Bødker, op. cit. Nos. 65 and 137, the animal really perishes by abandoning his element. In Halm No. 186, e.g., the Crab abandons the sea and is devoured by the Fox. In *Jataka* No. 38 (Cowell I 96), the fishes are tricked into letting the crane carry them from one pond to another, where the crane eats them, see L. Bødker's rich bibliography in his *Indian Animal Tales* No. 446, and Keller *Motif-Index of Mediaeval Spanish Exempla*, Motif K 815. 14.¹⁰

At any rate from this short discussion we see that Rabbi Akiba's fable is of vast interest for comparative fable lore. From the artistic and literary points of view it is a veritable gem, written in a witty and elegant Hebrew style.

IV:— Similarly interesting and quite charming is the short fable narrated by Rabbi Pinchas in *Midrash Esther Rabbah* VII 3 (cf. also *Midrash Abba Gorion*, ed. A. Jellinek, *Beth Ha-Midrash*, vol. I p. 7, and *Yalkut Shimoni* to Esther, No. 1053).

The lion once gave a feast to various animals and beasts, making a tent-covering for them out of the skins of Lions, Wolves and other wild beasts (previously killed by him). After the animals had eaten and drunk, all of them asked; "Who is going to sing us some songs (and recite some couplets)? All of them fixed their eyes upon the Fox. The latter, however, said: "Will you join in the chorus with me"? "Yes", they all said. Thus the Fox started singing (reciting or rather chanting the following couplet): "He who has shown us (the things) above (thus referring to the animals whose skins were hung above them), will also show us (the same things) below...".

B. Heller (BP IV 320) points to the phrase "Vestigia terrent" in the Aesopic fable (Halm No. 246, cf. also Babrius No. 103; Chambry No. 196; Perry, *Aesopica* No. 142; Aa-Th *Type* 50 A), but this rather belongs to a different type of fable. I think that our Midrashic fable is rooted in the well-known Aesopic fable (Babrius No. 97, Chambry No. 211, Halm No. 262, Lukman (Arabic) No. 5, M. Charbonneau, *Fables de Lokman* (Paris 1847), p. 11, No. 5; J. Landsberger, *Die Fabeln des Sophos*, Posen 1859, p. 46 f. No. 28: "Der Loewe und der Stier", Wienert ET 132, ST 93, Perry, *Aesopica* No. 143; Span, *Mishle Aisopos* (Jerusalem 1960) No. 18. This Aesopic fable, which should fall under *Motif* K 2061 "Treacherous plan of hypocritical animal detected and prevented"), deals with a Lion cunningly inviting a bull

10) Cf. also AT 242, and W. Liungman, *Die schwedischen Volksmärchen, Herkunft und Geschichte* (Berlin 1961), p. 32, No. 242.

to a banquet where a lamb was allegedly to be slaughtered. The bull finds in the lion's den many big kettles and cauldrons. Like the fox in the poignant Midrashic fable, the bull detects the treacherous plan of the hypocritical lion, saying: "I am leaving because I see your utensils and vessels are not of the size proper for lambs but rather for bulls".

Cf. also the Indian version summarized by Bodker in FFC 170, p. 50, No. 412 ("Tiger insidiously invites buffaloes to feast on goat's meat. One, accepting the invitation, flees when seeing tiger's collection of firewood and big Kettles").

There is another Aesopic fable where the cunning Fox invites the Hare to a banquet (with a view to devouring the Hare). The Fox explains the double meaning of the Greek expression "Kerdo" (cf. Babrius No. 158; Chambry No. 192; Perry No. 333; Wienert ET 89, ST 84; S. Span, *Mishle Aisopos* No. 24).

The Midrashic version has a special charm because of the song employed by the cunning Fox referring to the danger to which all the animals are exposed. This reminds me of the lovely version from Puerto Rico summarized by T.L. Hansen, *The Types of the Folktale in Cuba, Puerto Rico, the Dominican Republic and Spanish America* (1957), Type** 74 I: "Tiger gives dance for all animals. He recites a couplet telling all guests to enter cooking vessel. Rabbit recites couplet telling guests to depart, =New Aa-Th Type 74 B*; cf. also Thompson-Balys, *The Oral Tales of India* (1958), Z 47.1 (Fox sings formula for trick exchanges), and Thompspon *Motif* B 214.1.6 (Singing Fox), as well as New Aa-Th irregular Type 163 B*.

V:—An extremely interesting fable is extant in *Midrash Esther Rabbah* (VII 1) referring to Psalms 37, 20 (Cf. also *Yalkut Shimoni* to Esther, No. 1053). The wicked Haman's promotion and advancement (cf. Esther III 1) may be likened to a man possessing a foal, a she-ass and a sow. The man used to give plenty of food to the sow, but insufficient food to the foal and the she-ass. The foal said to the she-ass: "Look at what this stupid man is doing! We perform all kind of work, and nevertheless we are furnished with a small quantity of food, whereas the sow, which eats the bread of idleness, gets a belly-full of food". The she-ass replied: "You will soon see that this treatment is detrimental to the sow". Indeed, as soon as the festival arrived they seized the sow and slaughtered it. (Cf. N. Ausubel, *A Treasury of Jewish Folklore* (New York, 1948), p. 631: "The Curse of the Indolent").

In the famous Aesopic fable (Babrius No. 37, Chambry No. 92,

Halm No. 113, Perry, *Aesopica* No. 300, *Motif* L 456) the calf pities the hard-working ox. The calf is happy to roam about idly, but at the first opportunity the idle calf is slaughtered, whereas the ox is spared. Similarly in *Jataka* No. 30 and No. 286, the hardworking ox "seeing lazy pig being fattened up, is discontented with his own hard fare. Learning that pig is fattened to be eaten he accepts his position" (see L. Bodker, FFC 170, No. 273).

It is rather interesting to point out that whereas the famous Hebrew Mediaeval fabulist, Rabbi Berekhiah Ha-Nakdan, in his *Mishle Shu'alim* (No. 60) follows the Babrius (No. 37) and Avianus (No. 36) versions of the fable, another Mediaeval fabulist, the Englishman Odo de Ceritona (Odo of Cheriton) in his *Narrationes* No. 33=Hervieux IV 207; E. Voigt, *Kleinere lateinische Denkmäler der Tiersage* (Strassburg 1878) p. 123; Lucy Toulmin Smith et Paul Meyer, *Les contes moralisés de Nicole Bozon*, (Paris 1889), p. 280, No. 120; Perry, *Aesopica* No. 600: "Asinus et Porcus") follows the above-mentioned Midrashic pattern of the fable. This fact has been overlooked by Bruno Herlet in his *Beiträge zur Geschichte der aesopischen Fabel im Mittelalter*, Bamberg 1892, pp. 17f. Herlet is quite mistaken thinking that the source of Odo's version is to be found in Phaedrus V 4=Perry, *Aesopica* No. 526 ("Asinus et Porcelli Hordeum"), where the ass declines to accept the remains of barley upon which the boar had been fed prior to being slaughtered (*Motif* J 12). By the way, J. E. Keller in his *Motif-Index of Mediaeval Spanish Exempla* (1949) has overlooked *Libro de Los Gatos* No. 35 (derived from Odo's version). It should, of course, fall under *Motif* L 456. Odo's version of "De asino similitante se infirmum" (No. 33) reminds me of the famous Arabic story of the Ox and the Ass (see e.g. J. Campbell, *The Portable Arabian Nights*, New York 1952, pp. 48 ff. The story belongs to Aa-Th *Type* 670. The hero, who understands animal languages, overhears the ass advising the hard-working ox to simulate sickness.¹¹

VI:— In the Babylonian Talmud, (*Shabbat* 77 b), the Rabbis adduce five patterns illustrating the fear of the strong for the weak (*Motif* L 310): 1) the fear which the lion has of the Aethiopian gnat;

11) See also Chambry 16, Halm 18, Span No. 151, Babrius No. 142, Perry No. 279, Wienert ET 199, ST 382 and 451. This interesting Aesopic fable has also been overlooked by Bruno Herlet. Cf. also H. Schwarzbbaum *Fabula* VI 192, notes to AT 207 and 207 A, as well as Z. Baharav, *Sixty Folktales Collected from Narrators in Ashkelon*, ed. and annotated by D. Noy, Haifa 1964, pp. 97-101, No. 17 and *ibid*, p. 253, No. 17. See also *A Tale for Each Month*, ed. by D. Noy, Haifa 1962, pp. 90-91, No. 5.

2) the fear which the elephant has of the mosquito; 3) the fear which the scorpion has of the spider; 4) the fear which the eagle has of the swallow, and 5) the fear which Leviathan has of the stickleback (= small fish).

The Midrash on Psalms, 104, relates that Rabbi Akiba once saw a lion, a lizard and a dog. The lion wanted to attack the dog, but was afraid of the lizard. Rabbi Akiba exclaims: "Oh, Lord, how manifold are Thy works! In wisdom hast Thou made them all" (Ps. 104, 24).

In the Aesopic tradition (cf. e.g. Halm No. 261; Chambry No. 210=S. Span, *Mishle Aisopos*, No. 19; Perry, *Aesopica*, No. 259; Wienert ET 428, ST 267), the Lion is comforted for his fear of the cock when he discovers that the Elephant is afraid of the Gnat. He says: "I am big and strong and I am even more fortunate than the Elephant. A cock is, at any rate, something more to be afraid of than a gnat"... See also Thompson *Motif* J 881.2, as well as Halm No. 237, Chambry No. 191=S. Span, No. 23, *Motif* J 881. 1 (Hares take heart when they see that frogs are more timid than they), and the references given in the New Aa-Th (FFC 184), under *Type* 70: "More cowardly than the Hare"; cf. also *Type* 103.

In Ancient Babylonian literature we come across such a poignant statement: "A wolf who did not know the entrance of the city"... Now the pigs drive (him out along) the streets, (cf. W. G. Lambert, *Babylonian Wisdom Literature*, Oxford 1960, p. 219 (III 55-56).

According to another Aesopic fable (Halm No. 183, Chambry No. 145=S. Span No. 33, Wienert ET 62, ST 21 and 50, Perry, *Aesopica* No. 220), the Elephant is much afraid of the little pig. In Babrius No. 102, Halm No. 242, Chambry No. 195=Span No. 120, Perry *Aesopica* No. 334, the Hare prays and longs for the day when the tyrants will respect the weak and the strong will be afraid of the weak.

VII:— In the Aesopic tradition Babrius No. 149, Halm No. 253; Chambry No. 203=Span No. 11; Perry No. 338), the Lion and the Boar suddenly stop their fierce combat when they see some vultures waiting to devour whichever of them is killed. This sense of reconciliation in view of a common enemy (*Motifs* J 218. 1 and J 624) is nicely expressed in the Babylonian Talmud (*Sanhedrin* 105a) and in *Midrash Num. Rabbah* XX 4. (cf. also *Yalkut Shimoni* to Num. Nos. 785 and 765; *Midrash Tanhuma*, "Balak" V 4, and the much earlier source, *Sifre de-be Rab*, ed. by M. Friedmann, Wien 1864, p. 59, No. 157). The gist of all these sources referring to Num. XXII 7 is: The case

of the two enemies Moab and Midian is likened to the fable about the two dogs fighting each other, but becoming reconciled as soon as their common enemy, the wolf, tries to attack one of them (see Thompson *Motif J* 145).

R. Pappa —according to the above mentioned Talmudic Midrashic sources— adduces the fable of the mouse and the cat commonly preparing a big banquet out of the abdominal fat of their common wretched foe (see also J. Landsberger, *Die Fabeln des Sophos*, Posen 1859, pp. XLI-XLIII, and M. Gaster in *Jubilee Volume in Honour of Prof. Bernhard Heller on the Occasion of his Seventieth Birthday*, Budapest 1941, p. 154, No. 5, and p. 155.

It is interesting to note that it is not the Aesopic version of the Lion and the Boar but the Talmudic Midrashic one of the Two Dogs and the Wolf (*Motif J* 145) which has penetrated into the folk-literature of Mediaeval Europe, e.g. into the *Gesta Romanorum* (ed. Oesterley, 1872 No. 133, and Bolte's Notes to Pauli's *Schimpf und Ernst* (Berlin 1924), vol. II p. 351, No. 400. Of interest is also *Motif J* 624. 1 (Two sheep kill a fox who has licked up the blood they have spilled in a fight), and *J* 891 (Enemy horses captured by lion join forces and become friends).

The Armenian proverb, "Dogs quarrel among themselves, but against the wolf they are united" (cf. R. Arnot, *Armenian Literature*, p. 3) also reminds us of our Talmudic Midrashic fable.

VIII:— In one of the so-called extra canonical Minor Tractates of the Talmud, the *Aboth de-Rabbi Nathan*, ch. 41 (cf. *The Fathers According to Rabbi Nathan*, transl. by J. Goldin, New Haven 1955, p. 170 f.) we read: . . . "That day Rabbi Simeon entered his great study house and held forth as follows: "At all times let a man be supple as the reed and not rigid as the cedar. A reed, when all the winds come and blow upon it, bends with them; when the winds are still, the reed is again upright in its place. And the end of this reed? Its good fortune is to be used as the pen that writes the Torah scroll. The cedar, however, does not remain standing in its place, for as soon as the south wind blows, it uproots it and tears it down. And the end of the cedar? Loggers come upon it and chop it up and use it to cover the housetops with —and what remains they cast to the flames (cf. also Babylonian Talmud, *Ta'anit* 20a, and *Sanhedrin* 105b-106a). This fable is, of course, rooted in the Aesopic tradition, see Babrius No. 36, Avianus No. 16, Halm No. 179, Chambry No. 143 = Span No. 338; La Fontaine I 22; Perry No. 70; Heinrich Kurz's extensive

notes to Burkhard Waldis' *Esopus* (Leipzig 1862), I 100 and I 82; H. Schwarzbach, *Studies in Jewish and World Folklore*, No. 495, and *Fabula* VI 194, new Aa-Th "irregular" Type 298 C* (which to my mind should be turned into a full-fledged regular Type, owing to the wide currency of this fable, cf. my *Berekhiah Ha-Nakdan*, Nos. 27 and 54, and *Motifs* J 832 and L 330. In the Aesopic tradition, the Dispute form of the fable is still retained: The Reed and the Olive-tree are disputing about their strength and their powers of endurance. In our Talmudic versions, as well as in the *Mahabharata* XII 113, the Debating feature is missing. It should, however, be emphasized than even in the Greek versions it is stated that when the reed was reproached by the olive tree with being weak and easily bent by every wind, the reed did not answer a word. The Debate between two rivals was particularly cherished by the Ancient Sumerians, Babylonians and Assyrians, see B. E. Perry's recent study in *Studium Generale* XII (1959), pp. 25 ff.; cf. also W. Wienert, FFC 56, pp. 42 f: "Wettstreit". Perry rightly emphasizes that this debating tendency "has been transmitted by the same tradition from the Sumerians down through the Babylonians and Assyrians to the Greeks, and onward into the literature of medieval times, in both the East and the West".

The main idea expressed by this fable is, of course, that the weak save themselves in a much easier way than the strong (*Motif* L 330), cf. e.g. the Aesopic tradition regarding the little fishes which easily escape from the net whilst the large ones are caught (*Motif* L 331, Babrius No. 4, Chambry No. 25, Halm No. 26, Span No. 264, Perry No. 282, Aa-Th Type 253).

IX:— Another Midrashic fable, which is rather dependent on the Aesopic tradition, is extant in *Talkut Shimoni* to Deut. No. 923: A certain shepherd comes across a wolf cub. Out of pity he takes him home, feeding him and giving him the best milk. He does not pay attention to the warnings of a clever person, and he does not realize the danger to which his flock is exposed. When the wolf cub grew big he started killing his benefactor's sheep. The fable is applied to Moses who warned the Israelites (Deut. XX 1 ff.) not to take pity on their enemies.

This fable is also derived from the Aesopic tradition (cf. Halm No. 374; Chambry No. 314=Span No. 200, Perry No. 267, Wienert ET 38, ST 4 and 504). Here the shepherd brought up a wolf-cub with his dogs, but like the wolf he was, he used secretly to kill his master's sheep. Cf. also other Greek versions referred to by Wienert, FFC 56,

ET 39, ST 132 and 505, Babrius No. 175; Halm Nos. 373 and 375. "A vicious nature will never make a good man", as the moral in Chambry 314, Halm 374, has. See also *Motifs* J 1908 ("Absurd attempt to change animal nature") and U 120 ("Nature will show itself").

X:— Another Aesopic fable is narrated in the Babylonian Talmud by Rabbi Itzhak Nafha (*Baba Qama* 60 b) to his two disciples, Rav Ami and Rav Asi, each of them insisting on getting an exclusive lesson in his own field of study (one of them being interested in *Halakha*, i.e. in legal lore, only, whereas the other is mainly interested in *Aggadah* = narrative lore). Rabbi Itzhak Nafha tells them the story of the man who has two wives, a young one and an old one, the former pulling out her husband's grey hair, the latter pulling out his black hair.

This fable is already extant in Phaedrus II 2, as well as in Babrius No. 22. Cf. also Halm No. 56, Chambry No. 52, Span No. 231, Perry, *Aesopica* No. 31, Thompson *Motif* J 2112.1. The Hebrew version given by J. L. Gordon in his *Mishle Yehudah*, III 6, is derived from La Fontaine's version I 17. Heinrich Kurz in his extensive notes to Burkhard Waldis *Esopus* (Leipzig 1862), III 83, inter alia refers to Ben-fey's *Pantschatantra* I 602. Of much interest are also Walter Wienert's remarks referring to the Chinese Tripitaka, see FFC 56, pp. 129-130. Whereas Phaedrus' version is furnished with a promythium of a gnomic nature to the effect that the men under all circumstances are preyed upon by the women, Rabbi Itzhak Nafha just cites Phaedrus' poignant fable in order to point to the ridiculous behaviour of his two disciples. Cf. also D. Noy, *Tale Types and Motifs of Animal Tales*, Jerusalem, 1960, p. 95, and Israel Folktale Archives (IFA) No 1323 (Druzes) and No 1418 (Persia).¹² If I had time it would be interesting to trace the influence of numerous other Aesopic fables on Rabbinic folklore, and not only on Talmudic-Midrashic, but even on Mediaeval and modern Jewish folklore. This has to some extent been done by me in my *Studies in Jewish and World Folklore*, as well as in my monograph on *Rabbi Berekhia Ha-Nakdan and his Mishle Shualim*, and in my forthcoming study of the *Oriental Fable*. Here I should like to conclude this lecture with the remark that the famous enchanting vision of eternal world peace, as well as truce and amity in the animal Kingdom, expressed by the greatest Hebrew prophet Isaiah (cf. Isa. XI 6 f: The

12) See also Perry's fascinating study of "*Demetrius of Phalerum and the Aesopic Fables*" (*Transactions and Proceedings of the American Philological Association* vol. XCIII, 1962), p. 327.

wolf shall dwell with the lamb, and the leopard shall lie down with the kid, and the calf and the young lion and the fatling together, and a little child shall lead them, etc., of also Isaiah 65, 25) is reflected, in a masterly fashion, not in the satirical *Aa-Th Type 62*: "Peace among the Animals", but in an Aesopic fable, already extant in Babrius' collection, No. 102; Halm No. 242, Chambry No. 195, Span No. 120, Perry, *Aesopica*, No. 334. Here we have the charming Greek fable about the ideal rule of the Lion cherishing justice and equity. During the reign of this righteous lion a Reconciliation Assembly of all animals takes place, the Wolf making peace with the Lamb, the Panther with the Goat, the Tiger with the Stag, and the Dog with the Hare. The Hare even says: "I shall pray much for that day when the weak will intimidate the powerful tyrants"...

To my mind it is quite natural and logical from the point of view of the Fabulist's yearning for Universal Friendship and Peace in the Animal World (and in the world of men too) that e.g. in such a fable as the early Aesopic version of the "Lion's Share", extant in Phaedrus I 5, we have an Alliance of a Cow, a She-Goat and a Patient Sheep being partners in the forests with a Lion, although Lessing censures this fable on the ground of the partnership being contrary to nature. J. Jacobs, *The Fables of Aesop* (London 1889) I 166, is also mistaken in regarding Phaedrus' version as "absurd". Will anyone think of Isaiah's magnificent vision as being "absurd"?

An ancient Egyptian Papyrus (cf. BP IV 100) is showing a Rat sitting on a throne and served by a Cat, as well as a Lion playing with a Gazelle.¹³ A shell-inlay decoration on the harp of a King of Ur of the Chaldees consists of a series of strips of which one shows a lion and a dog walking together on their hind legs like people, each bearing sacrificial offerings.

This charming vision of Peace in the Animal World, cherished by the Ancient Accadians, Egyptians, Greeks and Hebrews, enjoins us here today to devote ourselves to international folklore study, with a view to furthering and promoting international cooperation, peace and prosperity.

13) Cf. Emma Brunner-Traut's admirable study "Altägyptische Tiergeschichte und Fabel", in *Saeculum X* (1959), p. 136, and her *Altägyptische Märchen* (1963), pp. 49 ff.

23.

STORY AND HISTORY: OBSERVATIONS ON GRECO-ROMAN RHETORIC AND PHARISAISM*

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TEXTS CITED

- AdRN: Aboth de Rabbi Nathan, ed. S. Schechter; reprinted, N.Y. 1944
BT: Babylonian Talmud (any edition)
"Cynicism": H. A. Fischel, *Cynicism and the Ancient Near East*, American Academy For Jewish Research, New York-Jerusalem, forthcoming
D.L.: Diogenes Laertius, *Vitae Philosophorum*, 2 vols., ed. H. S. Long, Oxford 1964
P.A.: Pirke Aboth, as in Mishna (any edition)
In parentheses: Chas. Taylor, *Sayings of the Jewish Fathers*,² 2nd ed., Cambridge 1897
P.T.: Palestinian (Jerusalem) Talmud (Vilna or Krotoshin, as indicated)
P.W.: Pauly, Wissowa (Kroll, Mittelhaus, Ziegler), *Realencyclopaedie der classischen Altertumswissenschaft*, Stuttgart, 1894— (in progress)
R.: (Midrash) Rabba (any edition); for Leviticus Rabba: ed. M. Margulies, 5 vols., Jerusalem 1953-1960 (Gen. R., Deut. R., not quoted)
Tos.: Tosefta, ed. M. S. Zuckerman; reprinted, Jerusalem 1962
W.H.: C. Wachsmuth, O. Hense, *Joannes Stobaeus, Anthologium*, 5 vols.; reprinted, Berlin 1958
Arrian-Epictetus, Aristotle, Athenaeus, Cicero (and *Auctor ad Herrenium*), Dio of Prusa, Hippocrates, Julian, Juvenal, Ovid (and *Ad Liviam*), Philo, Plato, Plutarch (and *Ad Apollonium*), Quintilian, *Scriptores Historiae Augustae*, Seneca, Varro, Xenophon: the texts as in *The Loeb Classical Library*, London, are sufficient for the purposes of this essay.

THE historian who wishes to utilize ancient literature for the reconstruction of Greco-Roman and Hellenistic Near Eastern history faces formidable difficulties indeed, for in any inquiry of

* This is the complete text of a paper the major parts of which were read at the Eighty-first Meeting of the American Historical Association in New York, December 29, 1966, at a Symposium on "The Impact of Hellenistic Civilization on the Pharisees." The terms Hellenistic and Greco-Roman are synonymous in this essay.

this sort the wide diffusion of Greco-Roman rhetoric in ancient sources must be recognized and accounted for. Rhetoric, whether in its oral or written crystallization, was apt to color historical reports and even to create, in its own way, non-history.

The classical and Hellenistic periods of both Greece and Rome witnessed a number of vital functions carried on in this medium. Thus, in his work on *The "Art" of Rhetoric*, Aristotle—who functions here as a summarizer rather than an innovator—distinguishes rhetoric in its use for literature, . . . *graphikē* . . . , and for debate, . . . *agōnistikē* . . . , and, apparently subdividing the latter, for public use, . . . *dēmēgorikē* . . . , i.e., politics, and in court, . . . *dikanikē* . . .¹ Philosophical and religious argument from the Sophists on was increasingly expressed in this medium. The propagation of new ideas and the preservation of proven traditional values were equally the task of rhetoric. It drew disciplines such as literary criticism, grammar, and exegesis, both critical and uncritical, both new and old, into its orbit. Precisely the same situation again prevailed in Roman culture. The writer, the teacher-philosopher, the critic-grammarians, the politician, and the lawyer-administrator—amazingly often combined in the same person—expressed themselves in this literary medium. Precisely the authors in whose works the great majority of parallels to Pharisaic stances are found, are prominent examples: Cicero (106–43), Seneca (5 B.C.–65), Dio of Prusa (Chrysostom, 40–after 112), Plutarch (c.46–after 120), and Aelianus (c.170–235)—the latter two are also priests²—but similarly also Philo (30 or 22 B.C.–c.45) and Paul (8–68?).

Apart from its style and technique, Greco-Roman rhetoric³

¹ III.xii.1, 1413b. In I.ii.7, 1356a, Aristotle discusses the close relationship between rhetoric and the disciplines of dialectic and ethics.

² For a brief survey of their political and administrative functions see *The Oxford Classical Dictionary*, 1964. Epictetus (c. 55–135), who should be on this list, was the slave of a secretary (*a libellis*) of Nero and Domitian, Epaphroditus, but in his later life he merely taught philosophy. Cf. further E.P. Parks, *The Roman Rhetorical School as a Preparation for the Courts under the Early Empire* (Johns Hopkins University Studies in History and Political Science, 63), Baltimore 1945.

³ The modern literature on this subject is very large. Apart from P.W., "Rhetorik," Suppl. VII, 1940, 1039–1138, and standard histories of literature, such as W.v. Christ, W. Schmid, and O. Staehlin, *Geschichte der griechischen Literatur*..., 7 vols., Munich 1920—; H.J. Rose, *A Handbook of Greek Literature*..., London 1951; M. Schanz, C. Hosius and G. Krueger, *Geschichte der römischen Literatur*, 5 vols., Munich 1914–35, under revision; J. Wight Duff, *A Literary History of Rome*..., 2 vols., New York 1960–64; these are among the more important titles

is characterized by its use of a great variety of larger literary forms, such as oration, diatribe,⁴ essay, symposium, epistle, biography and others. These literary forms are composite and consist of a combination of a great many smaller independent literary (or oratorical) genres and a great many social concepts, values, and ideas. Moreover, rhetorical stances heavily penetrated other literary forms, such as aretology, martyrology, history, and romance, even poetic (metered) forms, such as comedy and satire.

In the Roman Age the rhetor-writer less frequently consulted original works and was no longer an adherent of any particular philosophical school—though he might choose one as the preferred target of his attacks.⁵ He used ready-made handbooks, anthologies and collections of various kinds, including works on the lives and opinions of the philosophers (*bioi, vitae, memorabilia, apomnēmonemata*), gnomologies, and even school exercises, many of which were created for the specific purpose of aiding the rhetor.⁶ In all probability he did not neglect to consult the rhetorical production of others.⁷ It is this entire immense phenomenon which is here

(that also will open up the entire field): E. Norden, *Die Antike Kunstprosa*², Darmstadt, reprinted 1958; G.M.A. Grube, *The Greek and Roman Critics*, Toronto 1965; J.F. Dobson, *The Greek Orators*, London 1919; B.A. van Groningen, *La composition littéraire archaïque grecque...*, Amsterdam 1958; W.R. Roberts, *Greek Rhetoric and Literary Criticism*, New York 1928; M.L. Clarke, *Rhetoric At Rome*, London 1953.

⁴ In modern literature this term is occasionally used for rhetoric in general but actually signifies a Cynico-Stoic treatment of a theme by means of harangue, dialogue, wit, and continued argument, later used by all popular moralists as well as by Philo, Paul and Tertullian; see P. Wendland, *Die hellenistisch-romische Kultur in ihren Beziehungen zu Judentum und Christentum*^{2,3}, Tübingen 1912; A. Oltramare, *Les origines de la diatribe romaine*, Lausanne 1926 (defines this term too narrowly); Rudolf Bultmann, *Der Stil der paulinischen Predigt und die kynisch-stoische Diatribe*, Göttingen 1910.

⁵ This accounts for the divergence in ancient as well as modern opinions on rhetorically inclined writers as to their adherence to a particular philosophical school, as, for example, on Cicero, Musonius, Demetrius, Dio, Epictetus and others. Cf. the differing classifications of the same authors with D.L., D.R. Dudley, *A History of Cynicism*, London 1937, and Max Pohlenz, *Die Stoa*², 2 vols., Göttingen 1955–59.

⁶ Cf. E. Ziebarth, *Aus dem griechischen Schulwesen*², Leipzig 1914, and *Aus der antiken Schule*², *Kleine Texte...* 65, Bonn 1913. D. Clark, *Rhetoric in Graeco-Roman Education*, New York 1957.

⁷ This general condition of prose literature makes it rather incongruous to demand from Near Eastern writers more than from their Greco-Roman counterparts, and to accuse Aristes, Philo, Paul or Clement of philosophical eclecticism.

called rhetoric—a use of the term in the widest of all its possible meanings.

In the rhetorical creations of the Hellenistic and Roman worlds, the figure and concept of the ideal Sage, the *sophos* or *sapiens*, plays a prominent part. He is most often a founder of a philosophical school or of a scientific discipline, or a lawgiver or creative statesman. Through his actions and words, wisdom—i.e., virtue, the use of reason, and closeness to nature—is taught in an exemplary manner. His courage, presence of mind, wit, and incisiveness are proverbial, and his personality attracts disciples and converts them to his way of life. Socrates is often expressly named as the principal model for this type of Sage, and in his image many other ancient founder-sages make their appearance in rhetoric:⁸ thus Antisthenes, Diogenes, Crates, the youthful Zeno (all supposedly founders of different shades of Cynicism); Cleanthes, Chrysippus and Aristippus (all frequently treated as Cynics);⁹ to a lesser degree and, probably later, Thales or all the Seven Sages;¹⁰ further, Pythagoras, Democritus, Heraclitus, Aesopus,¹¹ Theodorus the Cyrenaic, Pericles, and some others.¹² Finally, even for Aristotle and some of Plato's successors, especially Xenocrates, a similar tradition began to develop.¹³

⁸ The impact of Socrates seems to have reshaped Greek biography, according to A. Dihle, a recent contributor in a long list of predecessors: *Studien zur griechischen Biographie*, Göttingen 1956 (against F. Leo, *Die griechisch-romische Biographie nach ihrer literarischen Form*, Leipzig 1901). Rhetorization is indicated in invented dialogues, as, for example, Satyrus' Euripides *vitae* (*Pap. Ox.* 1176, ed. F. Leo, *Nachrichten Göttinger gel. Ges.* 1912, 273ff.). Since Antigonos of Carystus (*fl.* 240 B.C.), portrayal of the person and personality became more important than technical concerns. The *ēthē* of the hero is illustrated by his *praxeis*, see U.v. Wilamowitz-Moellendorf, *Antigonos von Karystos*, *Philol. Untersuch.* VI, Berlin 1881. Cf. also D.R. Stuart, *Epochs of Greek and Roman Biography*, Berkeley 1928.

⁹ See "Cynicism" 5.5. Zeno is the founder of Stoicism, Aristippus, of the Cyrenaic school of philosophy.

¹⁰ Bruno Snell, *Leben und Meinungen der Sieben Weisen*, Tübingen 1952.

¹¹ The Aesopus Romance, ed. Ben Edwin Perry, *Aesopica I*, Urbana 1952, is almost entirely rhetorical *sophos* material, set in the merest pretext of an aretological framework.

¹² See "Cynicism" 5.5f.

¹³ I. Düring, *Aristotle In the Ancient Biographical Tradition*, Göteborg 1957. Olof A. Gigon, "Interpretationen zu den antiken Aristotelesviten," *Museum Helveticum* 15, 1958, 146–193. In the Greek anecdote on the Sage (to be discussed below) Plato is a negative figure who, in synchrony with Diogenes, usually loses the battle of wits and herein resembles Shammai of the Hebrew anecdote: D.L. VI. 24–26; 40 (but cf. 41); 58. Similarly in the Aristippus cycle: II.69; 78; 81.

This concept of the *sophos* finally encompassed not only reason, closeness to nature, and virtue, but also a certain type of cosmopolitanism (or, rather, universalism),¹⁴ *philanthropia*, and even a strong approximation of monotheism,¹⁵ contributed mainly by the Cynics and Stoics. Platonic and Pythagorean elements in rhetoric provided ideas of immortality. This new synthesis was characterized by the centrality of ethics, and in it the original contributions of the schools lost their technical character and even their identity (except when they were expressly quoted as the opinion of a specific school). This synthesis included the ennoblement and refinement of the ancient customs and myths through reinterpretation, and in spite of its cosmopolitanism, it was not hostile to a glorification of *patria*. With few exceptions, it was non-dualistic, i.e., it neither condemned matter as such nor apotheosized spirit or soul *per se*. This rhetorical "system" seems thus superficially to resemble the system connected with the name of the Pharisees and their Tannaitic successors.

The Pharisaic movement (c. 165 or 135–70 A.D.)¹⁶ and its continuation in the culture of the Tannaim (70–200)—contrary to frequent claims of their isolation and autarky—apparently have been in close contact with Greco-Roman culture. The latter

¹⁴ Cynic cosmopolitanism is not more than the feeling that the Sage belongs anywhere or nowhere. The Stoic variant is the claim that man is the citizen of a world state. Rhetorical cosmopolitanism often goes farther: it stresses that human nature and fate are one everywhere and that all men are equal before the tribunal of reason.

¹⁵ Karl Joel, *Geschichte der antiken Philosophie*, I, Tuebingen 1921, has the most complete list of the positive achievements of the philosophical schools (especially Cynicism). Some of his overstatements have been corrected by subsequent scholarship.

¹⁶ The vast literature is accessible through Salo W. Baron, *A Social and Religious History of the Jews*², 10 vols. (in progress), New York or Philadelphia 1952—(via *Index Volume* for vols. I–VIII) 1960. Cf. Sidney B. Hoenig's recent review, "Pharisaism Revisited," *Jew. Quart. Rev.* 61, 1966, 337–353, of L. Finkelstein, *The Pharisees*², 2 vols. Philadelphia 1962.

Many of the observations in this paper are made on the Tannaitic successors of the actual Pharisees. Although there is a considerable difference between Pharisees and Tannaim, it is usually assumed that in some aspects of their function and teaching continuity prevailed. The formation of the literary genres described in this article may have occurred as early as a generation after the death of a hero, if not in his very lifetime after the achievement of fame. Although the sources at our disposal are Tannaitic, i.e., post-Pharisaic, some of the material may thus go back to Pharisaic times. Cp. Socrates' lifetime (469–399) and the formation of his legend with his younger contemporary Xenophon (c. 430–c. 354).

seems to have been the source for a significant number of early Pharisaic-Rabbinic parallels to Hellenistic materials, discovered and discussed by, among others, Saul Lieberman,¹⁷ Yitshak F. Baer,¹⁸ Leo Baeck,¹⁹ David Daube,²⁰ Siegfried Stein,²¹ Hans (Johanan) Lewy,²² Edmund (Menahem) Stein,²³ Elias J. Bickerman,²⁴ Morton Smith,²⁵ Rudolf Meyer,²⁶ A.A. (Elimelech Epstein) Hallewy,²⁷ and, in the field of jurisprudence, Boas Cohen.²⁸ Unlike earlier writers, such as Judah Bergmann²⁹ and Arnold Kaminka,³⁰

¹⁷ *Greek in Jewish Palestine; Hellenism in Jewish Palestine*, New York 1942 and 1950.

¹⁸ *Yisra'el ba-'amim*, Jerusalem 1955.

¹⁹ *The Pharisees and Other Essays*, New York 1947.

²⁰ "Rabbinic Methods of Interpretation and Hellenistic Rhetoric," *Hebrew Union College Annual* 22, 1949, 239-264; "Alexandrian Methods of Interpretation and the Rabbis," *Festschrift Hans Lewald*, Basel 1953, 21-44, etc.

²¹ "The Influence of Symposia Literature and the Literary Form of the Pesach Haggadah," *Journal of Jew. Studies* 8, 1957, 13-44.

²² "Ein Rechtsstreit um den Boden Palaestinas im Altertum," *Monatsschr. fuer Geschichte und Wissensch. des Judentums* 77, 1933, 84-99, 172-180; *'Olamoth nif-gashim*, Jerusalem 1960.

²³ "Die homiletische Peroratio im Midrasch," *Hebrew Union College Annual* 8-9, 1931-32, 353-371.

²⁴ "The Civil Prayer For Jerusalem," *Harvard Theol. Rev.* 60, 1962, 163-186; "The Maxim of Antigonos of Socho," *ibid.* 64, 1951, 153-165.

²⁵ "The Image of God," *Bull. of the John Rylands Libr.* 40, 1958, 473-512; "Palestinian Judaism in the First Century," in Moshe Davis, ed., *Israel: Its Role in Civilization*, New York 1956.

²⁶ *Hellenistisches in der rabbinischen Anthropologie*, BWANT 74, Stuttgart 1937.

²⁷ *Sha'are ha'aggadah*, Tel-Aviv 1963, and a number of articles in *Tarbits (Tarbiz)*, Jerusalem (29, 1959; 31, 1961) and *Me'assef*, Tel-Aviv (5-6, 1965) on the "Aggadists and the Greek Grammarians," "Aggadic Exegesis and Homeric Exegesis," and "On Prophecy" (Heb.).

²⁸ *Jewish and Roman Law*, 2 vols., New York 1966. Cf. I. Sonne, "The Schools of Shammai and Hillel Seen From Within," *Louis Ginzberg Jubilee* Vol. I, New York 1945, 275-291.

The series of preceding items does not account for a host of contributions in the field of architecture, art, music, epigraphy, and political and material history by many other scholars, nor for earlier contributors whose works are still important, such as Heinrich Graetz, Emil Schuerer, Manuel Joel, I.N. Weinstein, Israel Lévy, Wilhelm Bousset, Isaak Heinemann, Samuel Krauss and many others. On A. Marmorstein below.

²⁹ "Die Stoische Philosophie und die juedische Froemmigkeit," *Judaica* (Festschrift Hermann Cohen), Berlin 1913, 143-166 (denies interdependence in spite of acknowledged resemblance).

³⁰ Among others "Les rapports entre le rabbinisme et la philosophie stoïcienne," *Rev. des Études Juives* 82, 1926, 232-252. A number of essays of this type are included in vol. 2 of his *Mehkarim*, Tel-Aviv 1951. It is obvious that by then this important scholar had become more cautious.

these scholars have been cautious enough not to ascribe all of the parallel material to any one Greek philosophical school. Popular Greco-Roman rhetoric (rhetoric in its widest sense) in this attempted synthesis as the actual source of such Pharisaic parallels, however, has not yet been seriously suggested in any of the previous enterprises.³¹

If such a hypothesis has any merit, a few preliminary methodological questions are in order. Before any effort is made to utilize materials of rhetorical coloration, whether Greco-Roman or Near Eastern,³² for historiography or biography, the question of the literary genre of the material involved must be clarified.

If we find, for example, that the political fable plays a role in both cultures, we are fully aware of the fact that the animals never actually did what they are said to have done in the narrative—although the use of this particular genre and its lessons does presuppose a certain historical reality. If, however, this genre is transformed into a type of anecdote in which the clever or good animal is replaced by a Sage and the dumb or wicked animal by his antagonist (be it a member of an opposed school, or a fool, debauchee or tyrant),³³ the modern scholar has too often been

³¹ A number of the attempts mentioned above rightly compare, for example, talmudic-midrashic exegesis or Pharisaic exercise-practice (*askēsis*) with appropriate Hellenistic sources and admit various kinds of interrelation. The question of the immediate and specific source of this adoption is, however, left open (and is, in any case, not the subject of these essays). The working hypothesis of this essay is that the Aggadists (and to some extent the Halachists) did not have to consult difficult works on the "art of rhetoric" but could gain their insight into Hellenism from the popularized form of rhetoric (which was the usual medium of the Greco-Roman writer-scholar-administrator class, too). They may have encountered this medium in its oral crystallization, since oral communication was ubiquitous in Palestine (occupational forces, Roman administration, wandering preachers, Greek colonists, Hellenistic-Jewish pilgrims, Herod's Court, Jewish evacuees from Greek cities in the Hasmonian period, etc.). But with their certain knowledge of Greek (cf. Greek marriage documents among recent finds) the availability of even one copy of a rhetorical work could go a long way.

³² Of course, other Near Eastern literary cultures, such as the Samaritan, Phoenician-Punic, pre-Koranic Arab, (Hellenistic-) Babylonian, native Egyptian (in Greek garb), and early Christian, must have encountered Greco-Roman rhetoric, too.

³³ Reference is to the *chria*, to be discussed forthwith. The possibility of the derivation of this genre from the fable is occasionally mentioned: C.v. Wartensleben, *Begriff der griechischen Chreia und Beitrage zur Geschichte ihrer Form* (Diss.), Heidelberg 1901; W. Gernoll, *Das Apophthegm*, Wien 1924; G.A. Gerhard, *Phoinix von Kolophon*, Leipzig 1909; Sophie Trenkner, *The Greek Novella In the Classical*

tempted to consider every detail as true history. Here a habit of classical scholarship has perhaps reinforced this error, i.e., the inclusion of an anecdote of this type among the genuine works of the philosophers by the editors of sources and fragments.³⁴ The question as to precisely where and when Alexander the Great met Diogenes the Cynic has been discussed by serious historians on the grounds of information supplied by anecdotal literature³⁵—although no one has as yet attempted to compute the strength of the sun in which Diogenes basked when Alexander offered him the fulfillment of any wish and received the now famous request to stay out of the sun.³⁶ When it comes to the question of what really transpired at this supposed meeting, we find quite a number of widely different witticisms in these stories, all indicative of non-historicity.³⁷

In a recent study³⁸ the present writer has dealt with this type of anecdote, called most often *chreia* by the Greeks and *chria* by the

Period, Cambridge 1958; Ben Edwin Perry, "Fable" [*sic*], *Studium Generale* 12, Berlin 1959, 17–37.

³⁴ e.g., J.v. Arnim, *Stoicorum veterum fragmenta*, 4 vols., Leipzig 1921–24; H. Diels, *Doxographi Graeci*, Berlin 1879 (reprinted 1958); H. Diels, W. Kranz, *Die Fragmente der Vorsokratiker*, Berlin 1954. More cautious, A.C. Pearson, in his *The Fragments of Zeno and Cleanthes*, London 1891, listed obvious anecdotes separately. To be sure, some of the aforementioned knew of this pitfall and even warned of it in their introductions, but the factual inclusion of anecdotes proved a strong temptation to the user.

³⁵ E.g., W.W. Tarn, "Alexander, Cynics and Stoics," *Amer. Journal of Philol.* 60, 1939, 41–70.

³⁶ Plutarch, *Alex.* XIV.2: "stand a little out of the sun"; D.L. VI.38: "get out of my light." On the problem of the verb in the latter see Liddell-Scott, *Greek-English Lexicon*, Oxford 1940, s.v. *apostotizō* II.

³⁷ Alexander, who neither entirely nor wholeheartedly followed Aristotle, would hardly have been attracted by a less sophisticated philosopher (his "meeting" with the Indian Gymnosophists notwithstanding, since the latter seems to represent the same apocryphal cynicizing tradition. See in detail "Cynicism" 16.6). Cf. also Luitpold Wallach, "Indian Gymnosophists in Hebrew Tradition," *Proc. of the Amer. Acad. for Jew. Research* 11, 47–83.

The obviousness of the stereotype of the clash between the (Founder-) Sage representing virtue, freedom, and simplicity and the Ruler as a representative of tyranny or *typhos* (vain luxury) in the cynicizing *chria* and related genres is, of course, a decisive factor in judging on the historicity of a story. Practically all conspicuous rulers have thus been affected (Xerxes, Sardanapalus, Croisus, Midas, Archelaus, Cleomenes III, Mausolus, Dionysius of Syracuse the Younger, etc.). A new set of such anti-heroes in the persons of oppressive Roman emperors appears in Near Eastern and Alexandrian literature from the time of the Principate on.

³⁸ "Cynicism."

Romans.³⁹ In this literary genre the Sage appears in an encounter or demonstration which is most often odd and witty, if not bizarre. The most extreme form, the burlesque *chria*, is usually told of the Sages of the Cynics, and of their associates, predecessors or descendants, and the ethic involved is strongly cynicizing. Stressing the rational in man and the simple life in conformity with nature, these terse stories are entirely free of the miraculous and the supernatural.

The cynicizing *chria* with many of its major motifs, forms, and elements is found also in Tannaitic literature. Without exception, all the stories on Hillel the Elder⁴⁰—as distinct from brief historical notes and the actual halachic-technical materials—prove to be Greek-chriic, representing either (a) a complete Greek *chria*; (b) a composite of several chriic parts; or (c) an aggregate of the smallest meaningful chriic elements (henceforth called *motemes*) which, in these stories, achieve narrative unity precisely in the manner of the Greek *chria*.⁴¹ Furthermore, some Hillel *chriae* are joined to one another within a narrative framework precisely as in Hellenistic sources.⁴²

³⁹ Thus in ancient headings or expressly by ancient literary critics, such as (Pseudo-) Demetrius of Phaleron, Bassus, Quintilian, Hermogenes and Theon. A somewhat different use of the term is reflected in Harry Caplan's modern use in his edition and translation of *Rhetorica (Auctor) ad (C.) Herennium*. There are a number of parallel terms in ancient literature for our *chriae*: *apophthegmata*, *apomnēmoneumata*, *exempla*, etc., see in detail "Cynicism" 8.2-3.

⁴⁰ The great Pharisaic leader, an approximate contemporary of Herod the Great (41-4 B.C.).

⁴¹ Treated in detail in "Cynicism" V (on the atomistic structure of the *chria*). The talmudic use of the *chria* and its narrative techniques does not exclude ingenuity if not creativity in the recombination of elements and the synthesis of the new story.

⁴² One of the largest collections outside the gnomologies and Stobaeus is D.L.'s account of Diogenes of Sinope (the Cynic, VI.20-81) in which he used several independent sources, among others probably a collection called *Diogenis Praxis* (The Sale of Diogenes), which was used also by Philo (four items in *Quod omni*, 121ff.). Other such accumulations, with or without a special framework, occur throughout D.L.'s work as well as that of Plutarch (especially in his *Laconica*, in sections on Pericles and Alcibiades—both associates of Socrates—in *Mor.* 461 D, i.e., *de cohīb. ira*, etc.); all of Papyrus Vienna, in W. Croenert, *Kolotes und Menedemus*, Leipzig 1906, 50-52; part of Papyrus Bouriant (ff. VI-VIII, Ziebarth, "Schule," No. 46); Cicero's *Tusculan Disputations* (e.g., I.xliii.102ff.); the bawdy Machon collection in Athenaeus' *Deipnosophistae*, cf. now A.S.F. Gow, *Machon, the Fragments*, Cambridge 1965; and all of Lucian's moving accounts of *Demonax*. An early non-burlesque accumulation is found in Xenophon's *Memorabilia* III.xiii

Others affected by chriization are Eliezer ben Hyrcanus (fl. 70–100; his opponent Joshua only in synchrisis with him), to a lesser degree R. Meir (second century), and, still less, his teacher Akiba (c.50–135), whose portrait, however, is affected by actual folklore.⁴³

To be sure, a Pharisaic Sage could have consciously followed the example of a Greek chriic Sage. However, a considerable number of the events reported in the Pharisaic *chriae* happen to the Sage. The beginning of the career of the *sophos* is encouraged by ambiguous or opaque oracles (Socrates, Diogenes, Zeno, Hillel)⁴⁴ and his life's work is endorsed by an oracular encomium (Thales, Socrates, Hillel).⁴⁵ In the famous episode on Passover⁴⁶ the following Greek chriic motifs are involved, in almost all of which the Sage is passive:

- (1) The Sage is a foreigner.⁴⁷
- (2) The Sage encounters natives who perform a clever trick with sheep.⁴⁸
- (3) The Sage utters what later will be (or already was) a proverb regarding the natives and their sons.⁴⁸

and xiv, beginnings. The most famous talmudic series occurs in BT Shabbat 30b, partially paralleled in AdRN A, ch. 15; B, ch. 29. All accumulations, whether Greco-Roman or Tannaitic, have similar key-words or key-situations: "seeing," guests, proselytes, burials, Spartans, disturbances, the Sage-slave, etc.

⁴³ See Dan Ben-Amos, *Narrative Forms in the Haggadah; A Structural Analysis* (Diss.) Bloomington, Ind., 1966; the *chria* is not treated in this dissertation.

⁴⁴ Usually in the beginnings of the reports of D.L. on the individual philosophers. For Hillel: BT Sotah 21a.

⁴⁵ D.L. I.28–33; II.37. For Hillel: BT Sotah 48b and parallels; PT Sotah IX.16 (24c end, Vilna; 24b middle, Krotoshin). On this and the preceding note cf. "Cynicism" 29.1–30.3.

⁴⁶ Longest version: PT Pes. VI.1 (33a Krotoshin); medium: BT Pes. 66a; shortest: Tos. Pes. IV.1–3. Motemes (1)–(5) are found in all three in slightly different combinations and with some variants.

⁴⁷ This moteme further frustrates Kaminka's repeated attempt to identify the historical Hillel as a native of Alexandria. The *sophos* in the *chria* and the *thaumaston* (more on this below) is a "foreigner," because this stance gives him greater scope to marvel at the "outlandish" customs of the "civilized" nations and to criticize them more freely. A similar misuse of chriic material is Kaminka's identification of the floating skull of P.A. 2.7 (*ibid.*), a rhetorical item amply paralleled with that of Pompey in Egypt! Cf. A. Kaminka, "Hillel's Life and Work," *Jew. Quart. Rev.* 30, 1939–40, 107–122 and a criticism of several similar attempts in "Cynicism" 24.9.

⁴⁸ Motemes (1)–(3): D.L. VI.41. An early date for this Greek *chria* seems to be certain on the grounds of Augustus' witty allusion to D.L.'s "punchline" ("it is better to be a Megarian's ram than his son") when commenting on Herod's

- (4) The Sage forgets essentials of his teaching.⁴⁹
- (5) The Sage becomes suddenly and unexpectedly the head of the academy.⁵⁰

It would be difficult, even for a Sage, to arrange for all this, and the story must be counted as unhistorical in view of the parallel material in Greek, partly told of Thales, partly of Cleanthes and Xenocrates, and, motifs (1)–(3) as a complete *chria*, of Diogenes at Megara.

Another important branch of classical culture, consolation literature,⁵¹ had from its very (Sophist) beginning and owing to its very purpose, strong affinities to rhetoric, presenting, as it does, a continuous argument of urgency and persuasion. Most major ancient prose writers made a contribution to it, whether in Greek or in Latin.⁵² After having absorbed actual rhetorical materials,

treatment of his son ("I would rather be Herod's pig than his son"), preserved in Macrobius, *Saturnalia* II.iv.11 (erroneously attached to the Slaughter of the Innocents by Macrobius).

⁴⁹ E.g., Thales, D.L. I.34.

⁵⁰ Cleanthes, D.L. VII.174. Xenocrates in the later Aristotle tradition, cf. n. 13. Sudden luck in court for both: D.L. VII.169; IV.8ff.

In a completely different study, employing different methods, Professor E.E. Urbach arrives at the result that Hillel was not the Patriarch of Israel and not the permanent president of the Sanhedrium. His study is based on the inner evidence of factual bits in the talmudic sources regarding status, title and function of the Palestinian Sages, without resort to Greco-Roman literature. Cf. "Class-Status and Leadership in the World of the Palestinian Sages," *The Israel Academy of Sciences and Humanities, Proceedings* II, no. 4, Jerusalem 1966 (separate edition).

⁵¹ Among modern treatments: Rudolf Kassel, *Untersuchungen zur griechischen und roemischen Konsolationsliteratur*, Munich 1958. Constant Martha (*sic*), *Études morales sur l'antiquité*³, Paris 1896, 135–189; Chas. Favez, *La Consolation Latine Chrétienne*, Paris 1937; *idem*, introductions to his editions of Seneca's *Ad Marciam de consolatione*, Paris 1928 and *Ad Helviam matrem de consolatione*, Paris 1918. Mary E. Fern, *The Latin Consolation As Literary Type*, St. Louis 1941; Mary Evaristus (Moran), *The Consolations of Death In Ancient Greek Literature* (Diss.), Washington, D.C., 1917. Still important: Car(o)(us) Buresch, *Consolationum a Graecis Romanisque scriptarum historia critica*, Leipzig 1886.

⁵² Crantor (360–268) with his exemplary *Peri penthous pros Hippoklea* (now lost, Jerome still remembered it)—the "Golden Book" (Cicero)—ushered in the post-Sophistic development. The most famous examples come from works and writers that also otherwise proved close to Pharisaic-Tannaitic items in the earlier study ("Cynicism"), such as Cicero (*Tusc. Disp.* I and III, *Ep. ad Fam.* (to or from him) IV.5; V.16, 18; VI. 3. *Brut.* I.9, etc.); Seneca, *Ad Marciam* (*Dial.* VI), *ad Helviam* (*Dial.* XII), as in n.51; *ad Polybiam* (*Dial.* XI); *Ep.* 63, 81, 93, 99, 107; (Pseudo-) Plutarch, *Ad Apollonium*; poetic: (Pseudo-) Ovid, *Ad Liviam*. The Church Fathers adopted the classical *consolatio* almost intact.

the *consolatio* entered the mainstream of rhetoric through a wide diffusion of its stories, arguments, and motemes, many of which became attached to the Sage.⁵³ Thus, on the occasion of a tragic event, usually death but also exile,⁵⁴ the Sage comforts or is comforted himself. A whole series of stories tells us that two children of the same hero died on the same day: so with Pericles, Anaxagoras, L. Paullus, Lucius Bibulus, a priestess of Juno, and others; so with R. Meir,⁵⁵ R. Ishmael,⁵⁶ and, according to one version, R. Akiba.⁵⁷ Not only this framework but also the arguments of comfort and the similes involved in a number of Tannaitic parallels suggest a common rhetorical background for this genre also.⁵⁸

A third area of rhetorical literature suggests still another *sophos* genre, as yet little explored and little understood.⁵⁹ In rhetoric, especially in the popular doxographic works and their Tannaitic counterparts, a body of legends on the schools seems to have been current. It consists of stories or statements on the following subjects:

- (1) The number of the Sage's pupils, whether few or many, and whether received with a "smiling face" or driven away with a stick—both motemes being claimed for Shammai, Hillel's contemporary and opponent in chriic (and halachic) syncrisis!⁶⁰
- (2) A typology of learning, i.e., different characteristics found in teachers or disciples, the final sources of which seem to be Plato's

⁵³ The present writer has begun to trace these in Tannaitic literature.

⁵⁴ Ironical, on a monetary loss: Juvenal, *Satires* XIII. In the aretalogy: in prison, Apollonius consoles the inmates, Philostratus, *Life of A. of Tyana* VII.26. According to Seneca (after Posidonius) *Ep.* 95.65, the Sage-Philosopher needs, for the teaching of "average" practical virtue, not only "praeceptio" (principles) but also "suasio," "consolatio" (*logos paramythētikos*) and "exhortatio."

⁵⁵ Midrash Mishle 31; AdRN A, ch. 24.

⁵⁶ BT Mo'ed Katan 28b.

⁵⁷ BT Mo'ed Katan 21b. In (post-BT) Semahoth 8, however, only one son is mentioned. W. Bacher, *Die Agada der Tannaiten*¹, Strasbourg 1884, p. 305, n.3, tries to dissolve this discrepancy as a misreading of Akiba's speech, in which he mentions several sons in a simile. However, the gradual penetration (or the memory) of rhetoric stances creates precisely such discrepancies ("Cynicism," *passim*). The death of two sons as a simile occurs in Lam.R. (Proems) II; as a memory of Aharon's two sons in Lam. R. 20.1.

⁵⁸ The story of R. Meir's marriage to Beruria, the comforting she-Sage of one story, seems to be a variant of the purported quasi-experimental marriages of the Cynic philosophers to similar spouses, among them Hipparchia and Arete, D.L. VI.96-98; II.86.

⁵⁹ Dealt with in "Cynicism" 32.1-33.2.

⁶⁰ BT Shabbat, *loc. cit.*, versus P.A. 1.15 (1.16). On syncrisis see F. Focke, "Synkrisis," *Hermes* 58, 1923, 327-368.

Theaetetus and Hesiod's Ages of Mankind, as applied by the Cynic Bion (c. 325–255).⁶¹

- (3) The *diadochē* of the school leaders, usually seven following each other, i.e., a rhetorical-doxographic pattern.⁶²
- (4) The two simultaneous leaders who are supposed to have headed the academies.⁶³
- (5) Difficult questions, *akousmata* or *erōtēmata* (*problēmata*) and their answers, usually of an ethical nature, requiring the definition of the *summum bonum*. Iamblichus distinguishes three different forms in his *Life of Pythagoras*, 18.81–82 (Deubner).
- (6) Near-“unanswerable” questions, *apora*, or *aporai* (*aporiae*), and their final answers (“Of what are there more, of the living or of the dead?”).⁶⁴
- (7) The *sophos*, as a “hero” of virtue, possessing immense, encyclopedic knowledge, including the ability to write fables.⁶⁵

⁶¹ *Theaetetus* 191–195; Stobaeus XXXI.97 (vol.II, p. 218 W.-H.); D.L. VII.37; Cicero, *Part. orat.* VI.21, *de orat.* II.88.360; *Auctor ad Herren.* III.17.30 (Shakespeare, Hamlet I.5.98); AdRN B, ch. 28 and many parallels; P.A. 2.8 (2.10f.); AdRN B, ch. 29, 58f.; P.A. 5.15 (5.18) ff; 5.12 (5.15). Cf. Plutarch, *Mor.* 78 E.

Judah Goldin has recently commented on the passage AdRN B, ch. 29, and several other passages referring to Johanan ben Zakkai's academy, *Traditio* 21, 1965, 1–21, “A Philosophical Session in a Tannaitic Academy”; similarly, *Harry Austryn Wolfson Jubilee Volume*, Heb. Section, Jerusalem 1965, 69–92, “*Mashehu 'al beth midrasho shel Rabban Yohanan ben Zakkai.*” The atmosphere of Pharisaic-Tannaitic teaching becomes alive in these articles. The historical assertions, however, that, for example, an actual session on the particular subject took place and that the teachings are actually authored by the teachers mentioned, are, owing to the rhetorical-legendary nature of this material, highly improbable. Cf. n. 83.

⁶² Cf. D.L.'s seven “Cynics.” That there is an affinity to Hellenistic sources in similar structurings, for example in P.A. ch.1 (the sevenfold pattern as such has been described by L. Finkelstein in his *Mabo' le-masichtoth Aboth ve-AdRN*, New York 1950), has been effectively asserted by Élie (Elias J.) Bickerman, “La chaîne de la tradition pharisienne,” *Revue Biblique* 59, 1952, 44–54 (a comparison with doxographic-diadochic patterns) and by Boas Cohen, “Peculium in Jewish and Roman Law,” *op. cit.*, vol. I, 275ff. (comparison with the legal-historical Encheiridion of Pomponius, 129 A.D.). It is possible that both patterns may have merged in the consciousness of the rhetoricians when both jurisprudence and philosophy became aspects of the *sophos* concept.

⁶³ Cf. titles in n. 13, above.

⁶⁴ See “Cynicism” 11.16; related material in L.W. Daly and W. Suchier, “Altercatio Hadriani Augusti et Epicteti Philosophi,” *Ill. Studies in Language and Literature*, 24, Nos. 1–2, Urbana, 1939, pp. 12, 17, 26.

⁶⁵ Although true for some of the Greek philosophers, the assertion of encyclopedic knowledge becomes a literary stereotype. Its Tannaitic equivalent, for example, the assertion that a Sage knew Halacha, Aggada, Mishna, Midrash, etc., down to the language of animals and plants, should therefore not be used as an unchecked

Almost all of these themes may occur as *chriae*, or brief dialogues (eristic form), or as factual statements.⁶⁶

Similarly, another startling phenomenon is found in both cultures. The same gnome (aphorism, *sententia*, saying) may be quoted in the name of several different Sages, thus making for contradictory features in the overall portrait of a particular Sage. Further, and more important, the same gnome may occur:

- (1) As the "punchline" of a *chria*,
- (2) As an independent unit, without a story,
- (3) Anonymously, often as a popular proverb,
- (4) Occasionally as the moral of a fable.

It thus seems that the ascription of a *sententia* to a Sage might merely have been another means of stressing his importance and does not reflect an actual teaching of his. The Golden Rule, in a number of slightly different patterns, appears thus in connection with an impressive number of Greek and Roman rhetorical writers, put in the mouth of a Sage within a *chria*, or in a dialogue, or as an independent item in a gnomology.⁶⁷ It also appears in Hellenistic-Jewish rhetoric, in the Gospels and the Didache, and in *chriic* form attached to Hillel and Akiba. In all these cultures it is frequently accompanied by the same test case or by the assertion that the Golden Rule is a *kephalaion*, a basic and all-embracing rule, i.e., the "whole Torah" of the Midrash, and the "Law and the Prophets" of the Gospels, the Greek formulation preceding its Near Eastern parallels by centuries. To be sure, various forms of the Golden Rule had been current earlier in the Near East in general (Ahikar) and in Judaism in particular (Tobit, Sirah), as they were in other probably unrelated cultures (China, India).⁶⁸

claim for the emergence of mysticism but can be regarded as an indication that "arcane" knowledge was important at the time of the creation of the legend.

The claim of having written fables is already doubtful for Socrates, Plutarch, *Mor.* 16 C after *Phaedo* 60 d. Fables recommended in Aristotle's *Rhetoric* II.xx.5-8, 1393 b-1394 a. Thus also for Solon, Antisthenes, Hillel, Meir and Akiba. Legendary fable tellers may become rhetorical (or "Cynic-Stoic") heroes: Odysseus, Aesopus. In detail in "Cynicism," 32.5.2.

⁶⁶ See "Cynicism" 11.16ff. for discussion and sources.

⁶⁷ For detailed references and discussion of the entire subject see "Cynicism" 19.16-20.

⁶⁸ Cf. L. Philippides, *Die Goldene Regel* (Diss.), Leipzig 1929; H.H. Rowley, "The Chinese Sages and the Golden Rule," *Bull. John Rylands Libr.* 1940, 321-352; A. Dihle, *Die Goldene Regel*, Goettingen 1962.

The point here made is that Greco-Roman rhetoric reactivated and reformulated older original materials in the Near East.⁶⁹ A common historical fate, first under Alexander the Great, and then under the Roman Empire, must have favored this process.

However this may be, the genres used by both Greco-Roman rhetoric and Tannaitic literature must be recognized and evaluated. For Greco-Roman literature in general some of this task has been undertaken by classicists,⁷⁰ by New Testament scholars,⁷¹ and more recently by folklorists.⁷² The field is still wide open, however, for the same task in Tannaitic literature, in spite of the pleadings of the late Arthur Marmorstein⁷³ and recently of Jacob Neusner.⁷⁴ Apart from preliminary attempts, mostly in the form of prolegomena, some serious beginnings have been made,⁷⁵ especially in

⁶⁹ Lev. 19.18 may thus have been the original form of the Golden Rule in earlier Jewish culture, cf. Targum Lev. 19.18. Lev. and the rhetorical echoes together in the Akiba story.

⁷⁰ Among others, by Norden, *op. cit.*, Gerhard, *op. cit.*, Perry, *op. cit.*, R. Hirzel, *Der Dialog I*, Leipzig 1895; R. Reitzenstein, *Hellenistische Wundererzählungen*³, Leipzig, reprinted 1963; Eliz. Haight, *The Roman Use of Anecdotes In Cicero, Livy and the Satirists*, New York 1940; John Barns, "A New Gnomologium...", *Class. Quart.* 44 and 45, 1950 and 1951, 126-137 and 1-19. Scattered items in P.W. (cf. Index in vol. 23; 9 of 1959—which is exclusive of vol. 24; 9A1 and Supplements IX-X) and v. Christ, Schmid, Staehlin, *op. cit.*, index.

⁷¹ G. Rudberg's articles in *Symbolae Osloenses* 14 and 15, *Theol. Studien und Kritiken* C11; *Coniectanea Neotestamentica* II, etc., and the movement of Formgeschichte, especially the work of Rudolf Bultmann and Martin Dibelius.

⁷² André Jolles, *Einfache Formen*², Darmstadt 1930 (reprinted 1958); Trenkner, *op. cit.*; C.W.v. Sydow, "Kategorien der Prosa-Volksdichtung," in *Selected Papers On Folklore*, Copenhagen 1948, 60-88; Kurt Ranke, "Einfache Formen," in *Suppl. Fabula*, Berlin 1961, 1-11.

⁷³ "The Background of the Haggadah," *Hebrew Union College Annual* 6, 1929, 184. He was aware of the relationship between "diatribe" and Midrash, but preferred a mixture of literary and theological analysis to a technical one. (His essays are reprinted in *Studies in Jewish Theology*, Memorial Vol., ed. J. Rabbinowitz and M.S. Lew, Oxford 1950).

⁷⁴ *A Life of Rabbi Yohanan ben Zakkai...*, Leiden 1962, p. 3.

⁷⁵ E.g., in Birger Gerhardsson's *Memory and Manuscript*, Uppsala 1961 (criticized in W.D. Davies, *The Setting of the Sermon on the Mount*, Cambridge 1964, Appendix XV); E. Stein, *op. cit.*; Dov Noy's extensive writings: Diss., an analysis of Hebrew material—yet unpublished—as an addition to Stith Thompson, *Motif Index of Folk Literature*, 6 vols., Bloomington, Ind., 1955-58; *ha-sippur ha-'amami...*, Jerusalem 1960 (mimeographed); *mabo' le-sifrut ha-aggada*, *ibid.*, 1961 (mimeographed.) Benjamin de Vries' "The Literary Nature of the Haggada," (Heb.), *Niger Jubilee Vol.*, ed. Arthur Biram et. al., Soc. for Bibl. Research, Jeru-

the pioneering work of Siegfried Stein on symposia literature,⁷⁶ that branch of ancient literature which described a banquet as "a fellowship of seriousness and gaiety, and of discourse and activity," as Plutarch has it,⁷⁷ and finally began to include the treatment of food and eating habits as part of the conversation, culminating in Athenaeus' 15-"volume" *Deipnosophistae*. Symptotic literature of the Roman period leans heavily on rhetorical genres and devices, and rhetoric, in turn, has made heavy use of it.

Systematic treatment is overdue also for the smallest literary elements of rhetoric,⁷⁸ for motemes, as we called the minimal motif-like independent element, and for similemes, as one could call the minimal basis in literary comparison, such as in parable, metaphor, simile, and others. Such similemes are: the soul as a guest; life as a deposit; the choice of two ways at the crossroads;⁷⁹ the athlete; the craftsman; the statue; the theatre and the circus; all common in Hellenistic rhetoric as well as Tannaitic and Amoraic (200-500) Midrash.⁸⁰ Another such elementary unit is the numerical saying, i.e., items stating summarily the number of various phenomena, such as Anacharsis' three grapes of the vine—pleasure, drunkenness, disgust—and Thales' (or Socrates' or Plato's) three reasons for gratitude—to be a human, and not a beast; a man, and

salem 1959, 303-309, is a precarious attempt to prove that Gunkel's biblical categories are applicable to the Midrash. Cf. also Ben-Amos, *op. cit.* Mostly concerned with later periods is Bernard Heller, "Das hebraeische und arabische Maerchen," in J. Bolte, G. Polivka, *Anmerkungen zu den Kinder- und Hausmaerchen der Brueder Grimm*, 5 vols., Leipzig 1913-32, vol. IV, 315-418. For earlier articles on fable and *mashal* see Ben-Amos and Emanuel bin Gorion, *Shevile ha-aggada*, Jerusalem 1949.

⁷⁶ *Op. cit.*, n. 21.

⁷⁷ *Mor.* 708 D, *Quaestiones convivales*.

⁷⁸ As distinct from genre research. The motemes of the *chria*, as far as they are pertinent for Tannaitic literature, have been treated in "Cynicism" IV, "The Atomistic Structure of the Chria."

⁷⁹ That is, the famous "Choice of Heracles," also called "Heracles at the Crossroads" or Prodicus' Fable, as in, for example, Xenophon's *Memorabilia* II.i.21ff. Its use and role in Greco-Roman literature, especially in Cynicism, are amply treated in Karl Joel's *Der echte und der xenophontische Sokrates*, 3 vols., Berlin. 1893-1901.

⁸⁰ Parallels usually concern a single item but a sequence of similes attached to a *chria* on Hillel in *Lev.R.* 34.3, 776f., is paralleled by a similar sequence in Seneca, *Ep.* 64.9-10, see "Cynicism" 15.10f. This practically eliminates the possibility of coincidence.

not a women; a Greek, and not a barbarian,⁸¹ the latter being paralleled in the Tannaitic daily morning prayer⁸²—Zeno's seven sophisms, D.L. VII.25, the seven treatments of a theme (among them hermeneutics) in *Auctor ad Herrenium* IV.iv. 57ff. (written c.85 B.C.), and Hillel's seven (occasionally three) hermeneutic rules, Tos. Sanhedrin 7 end. Proverbs; catalogues of vices and virtues;⁸³ and *thaumasta*, i.e., terse narratives expressing the

⁸¹ D.L. I.103; I.33; Lactantius, *Div. Instit.* III.19 (Plato) cf. Plutarch, *Marius* 46.1 (third blessing: to be a contemporary of Socrates). On the parallels to the three (or four) stages of drunkenness of the Anacharsis item in midrashic and other cultures, see Max Gruenbaum, *Gesammelte Aufsätze zur Sprach- und Sagenkunde*, ed. Felix Perles, Berlin 1901: "Die verschiedenen Stufen der Trunkenheit in der Sage dargestellt," pp. 435-441. Another example of the basic genre: Plato's three *archai*: God, matter, idea, as in (Pseudo-)Plutarch's (Aetius') *De placit. philos.* (quoted as Plutarch in Diels, *Doxographi*, p.1) and the three Tannaitic "things on which the world rests," i.e., *archai*, in P.A.1.2. and 1.18 (1.19): Torah, (Temple-) cult, active loving-kindness, etc.

⁸² Initial blessings: "...not a barbarian; ...not a slave; ...not a woman," S. Baer, *Seder 'Avodath Yisra'el*, rev. ed., New York 1937. Cf. Tos. Berakhoth 7.18, p. 16, 1.22, BT Menahoth 43b; PT Ber. IX.2, 13b (Judah b. Ilai or R. Meir I); cf. Paul in Gal. 3.28. Cf. Ismar Elbogen, *Der juedische Gottesdienst*³, Frankfurt 1931, p. 90.

⁸³ J. Goldin, *Traditio*, p. 12, failing to recognize the genre, considers (the five-fold catalogue of virtues and vices of) P.A. 2.9f. (2.12f.) as philosophical material once discussed at an actual session. Actually, it is closer to folklore, as are so many numerical sayings and "catalogues" in rhetoric, or, at best, popular-rhetorical ethics, and this is also the reason for the missing mention of Torah in the passage. Such catalogues are frequent, too, in early Christian non-philosophical works such as the Didache. To be sure, ethical propositions were prominently discussed in the Hellenistic philosophical schools but, as it seems, in a more technical and systematic manner. Johannes Straub, in his *Heidnische Geschichtsapologetik in der christlichen Spaetantike*, Bonn 1963, p. 113, represents a minority opinion in his assumption that for practical purposes the philosophical schools taught *Vulgaerethik* (under the term of *hypothētikos logos* and other terms) as a permissible popular summarization of the usual formal and technical (analytical, argumentative and decisory) ethics. Assertions that seem to confirm this opinion in Seneca's *Epistles* 94 and 95 are, however, already rhetorical rationalizations for the preponderance of popular ethics in rhetoric. On the other hand, Cynical ethics must have been of the popular variety to begin with (though perhaps not with Antisthenes), but then it was ethics of the street and not of the academy.

The pattern for Goldin's passage seems to have been a rhetorical catalogue of vice and virtue. The session is probably apocryphal, and the item glorifies the *sophos* and his world. Concerning these catalogues cf. Siegfried Wibbing, *Die Tugend- und Lasterkataloge im NT und ihre Traditionsgeschichte*, BZNT 25, Berlin 1959.

Sage's amazement at the contradictions inherent in any culture, are other such brief items.⁸⁴

Sound method requires further the tracing of the dimensions of a literary phenomenon, i.e., its statistical properties. In the case of the cynizing *chria*, for example, there are 30-35 different examples in all of talmudic literature, whereas there are probably more than 1,000 in Hellenistic literature and the papyri, among them some 20 different items on the use of the Sage's stick alone.⁸⁵ There are probably over 5,000 different aphorisms in Hellenistic rhetorical and gnomological literature. There are hundreds of pseudo-rational explanations of "natural phenomena," such as answers to the question why Babylonians have elongated heads, which turns up in the widely distributed pseudo-Hippocratic collections as well as the first *chria* on Hillel of BT Shabbat 31a. Some of this material is contributed by Euhemerus and Euhemerism, e.g., the attempt to explain the origin of the gods by a historical-psychological theory, which made so profound an impression on the ancient world. The massiveness of these examples in Greco-Roman rhetoric puts a number of phenomena into proper perspective. It is, for example, of invaluable help in understanding the total literary pattern as well as the total content and value system of the genres. It becomes thus clear that in the *chria* all Sages were once slaves, all were abjectly poor, and almost all once did menial work. Only on these grounds can the interdependence of Cleanthes items and Hillel anecdotes be fully established and their probable non-historicity be suggested. To be sure, an entire profession may have occupied a certain rung on the economic scale—all monks are poor and in some countries all university professors—but, then, the *chria* speaks of the self-same Sage-Heroes as being wealthy,

⁸⁴ Examples of *thaumasta* below, p. 84.

The problem of rhetorical components of larger non-rhetorical genres, such as romance, aretalogy, martyrology, satire, mime, comedy, etc., is not mentioned here, since Tannaitic parallels to these genres are rare and mostly extra-rabbinical; e.g., the romance included in the Testament of Joseph (Phaedra and Hippolytus motif, cf. Martin Braun, *History and Romance in Graeco-Oriental Literature*, Oxford 1938). Theodore Burgess' *Epideictic Literature*, Chicago 1903, reconstructs a literary mood or aspect of much of rhetoric rather than a true genre.

⁸⁵ Cf. "Cynicism" 10.3. They are the pattern for Shammai's often misdiagnosed building ruler, *'ammath habinyan*, BT Shabbat 31a. This strange term seems to be merely a variant of this moteme, introduced owing to the use of the regular keyword "stick," *maqel*, in the item immediately before, *ibid*.

so Diogenes, so Crates,⁸⁶ so Cleanthes, and so Hillel.⁸⁷ Attempts to harmonize such contradictions are as fruitful as the simple solution that was once offered when the "original" skull of a saint was shown at two different places: one skull was said to represent the saint in his younger years, the other in his ripe old age. Rather, the *chriae* are aimed at teaching incisive social ideals: *ataraxia*, self-knowledge,⁸⁸ the simple life, absolute freedom (*parrhesia*),⁸⁹ non-conformity, the acquisition of virtue through knowledge. Whereas the stress on these values does mirror a historical situation, the mention of the Sage may only indicate the esteem in which he was held as well as the esteem of the social value in question. "De personis indicatur, sed de rebus contenditur," says Quintilian rightly.

The concept of the great individual in later rhetorical culture is thus determined not by his actual achievement—which may have been merely the catalyst—and not by his actual teachings—which were frequently unknown—but by an *a priori* concept of the Sage, and it is this concept which seems to have determined the use of *chriae* and aphorisms in the description of his wisdom and career. In other words, the so-called problem of the "historical Socrates,"—as realistically recognized by Gigon and Chroust,⁹⁰—of the "historical Thales" or Democritus, to whom cynicizing gnomic material was ascribed posthumously,—as rightly asserted by Classen, Snell and Stewart,⁹¹—the "historical Diogenes,"—as critically analyzed by Gerhard, v. Fritz, Rudberg and

⁸⁶ Cf. D.L. VI.87 with Teles' item in Stobaeus III.1.98 (p. 44 W.H.). On Diogenes cf. Plutarch *Mor.* 499 D (*An vitiositas*); Suidas Δ 1143, ed. Adler, II, p. 101; Musonius, ed. Hense, 87 A, p. 43.

⁸⁷ D.L. VII.170; BT Ketuboth 67b cf. BT Sotah 21a. Fully documented in "Cynicism" 27.3 and 30.5ff. The motif that a *sophos* gives his entire fortune away, is another matter again.

⁸⁸ Even the Delphic "know thyself" occurs in the mouths of several Greek Sages.

⁸⁹ Preserved in the Hebrew-Aramaic cognate *parhesia*, which seems to occur occasionally in the original chriic sense.

⁹⁰ Olof A. Gigon, *Sokrates*, Bern 1947; Anton-Hermann Chroust, *Socrates, Man and Myth*, London 1957.

⁹¹ C.J. Classen, in P.W. Suppl.X., 1965, s.v. "Thales," especially 931-935; Snell, *op. cit.*; Zeph Stewart, "Democritus and the Cynics," *Harv. Stud. in Class. Philol.* 63, 1958, 179-191.

Sayre,⁹²—the “historical Jesus,”⁹³ as well as the “historical Hillel,”⁹⁴ reflects the general historical problem of all who were at one time or another considered *sophoi*.⁹⁵

Among the statistical properties of a genre its distribution, i.e.,

⁹² Gerhard, *op. cit.*; Rudberg, *op. cit.*; F. Sayre, *Diogenes of Synope*, Baltimore 1938; *The Greek Cynics*, Baltimore 1948. K.v. Fritz, *Quellenuntersuchungen zu Leben und Philosophie des Diogenes von Sinope*, *Philologus* Suppl. 18.II, Leipzig 1926.

⁹³ A huge field of endeavor, accessible through the Subject (Title) Index of Libraries, Introductions to the NT, surveys on recent NT research, or pertinent encyclopedias (Hastings, *Religion in Geschichte und Gegenwart*; etc.). Quite frequently the problem is seen in “reverse”: apocalyptic, soteriological, proto-“gnostic,” and Sonship portrayals are rejected as unhistorical, whereas the portrayal as *sophos* is taken at face value.

⁹⁴ In the light of the approach suggested here, the 19th century struggles between Abraham Geiger, Delitzsch and Renan as to the question of influences (Jesus/Hillel) are somewhat quixotic. If at least they had discussed the influences of the respective idealizations! Even recent biographies of Hillel use the talmudic material uncritically, except Kaminka, *op. cit.*, and Hallewy, *Sha'are*. They, in turn, rely frequently on haphazard and unsystematic comparisons.

⁹⁵ Here the difficult problem arises as to what made a Sage important enough to deserve such posthumous recognition. As indicated before, this may be his creations and activities as a Founder. (The Founder and Inventor appears in myth as the Culture-Hero, e.g., Anacharsis as the inventor of the anchor and the potter's wheel, D.L. I.105.)

Intriguing is the further question whether the *sophos* features acquired in legendarization and rhetoric are in any intrinsic way related to the original contribution of the Sage. The answer, if any can be given with any certainty, will depend on the availability of other sources, especially genuine fragments, or on particular features within the rhetorical portrait that are not in line with the stereotype. It is thus certain from non-rhetorical sources that Thales is indeed the author of important mathematical insights, see Classen, *op. cit.*, Diels, *Vorsokratiker*, and G.S. Kirk and J.E. Raven, *The Presocratic Philosophers*, Chicago 1964. Thales' mathematical pioneering apparently became the catalyst in the formation of his chriic and gnomic features as a Founder-Sage. These features, however, have little or nothing to do with mathematics. Similarly, Democritus' aphorisms (and his eternal smile) have little to do with his atomic philosophy or his equally important mathematics.

To be sure, many creative minds of the Western orbit have indeed excelled in science and philosophy. Thus Plato, Leibniz, Pascal and Bertrand Russell are known for both. If we would encounter, however, a popular-rhetorical report which would describe the philosophy of all these four as essentially one, as non-technical, and, above all, as identical with the philosophy of the era of the report, a serious historical problem would present itself to the critic.

Hillel's main historical achievement (it may have been multiple) could have been a legal reform or measures of timely “emergency” halachah, probably historical if one compares similar emergency measures in the Rome of the Principate. For preliminary orientation see *Oxford Class. Dict.*, “Law and Procedure,” 5.

the frequency of its use, its whereabouts and accessibility, are of significance. The Near East would hardly reproduce a *hapax legomenon* but would have a far better opportunity to get hold of an item that is quoted frequently. Once the "scope" of a genre has thus been established, its history has to be traced. The Greek *chria*, for example, is centuries older than the Pharisaic-Tannaitic examples, and developed from a static form, centering around the mere utterances of wisdom or bon mots, to the burlesque form of the Cynics Teles and Bion in the 3rd century.⁹⁶ Its great Roman revival slightly precedes Hillel's lifetime, as, for example, in the *Tusculan Disputations*, c. 45 B.C., or coincides with it, and is thus a *terminus a quo*. But one must not omit the fact that the Hillelite *chriae* occur for the first time in the codifications of c.200–250 A.D. This date coincides with the heavy *chria* users Aelianus, Athenaeus, Diogenes Laertius and the authors of the pseudo-Cynic letters,⁹⁷ as a *terminus ad quem* for the rise of the Tannaitic *chria*.

Another methodological desideratum is the determination of the social function of the genres. Undoubtedly rhetoric did not only provide a useful mode of expression and operation for the speaker, writer, jurist, and politician. It had become strongly ethicizing, propagating the way to virtue as ennobling or redemptory for a society in rapid change and under stress.⁹⁸ Rhetoric would thus also view the nature of man and the dimensions of the gods or even of God, using a fervent, pleading or sentimental tone, quite unlike the detached, objective, and systematic way of formal philosophy. And yet, a practical popular quasi-rational ethics that would weather the vicissitudes of life and encourage simplicity and ataraxy was central in rhetoric. It is perhaps owing to the usefulness of this rhetorical *sophos*-ethics that it could finally approximate an inter-cultural "currency" as much as Greek art or Greek burial custom; that the "pagan" and Christian versions

⁹⁶ See "Cynicism" ch.3.

⁹⁷ Ed. R. Hercher, *Epistolographi Graeci*, Paris 1873.

⁹⁸ The factors usually given for this historical situation are the "decline" of the polis and the rise of empire, the emergence of new social classes, the expansion of slavery, the continuous economic crisis (of Rome), earlier Greek particularism and later Roman civil wars, foreign invasions, the increasing number of competing cults and ways of life—all encouraging a flight into the self. Generalizations of this kind can be variously applied for the period of 400 B.C. (the proliferation of the Greek philosophical schools) to 400 A.D. (the establishment of Christianity). These are also the centuries of the domination of rhetorical culture.

of the *Sentences of Sextus* could largely overlap;⁹⁹ that "Pagan," Jew and Christian alike could view their lifelong struggle for virtue as an "athletic" and "ascetic" contest—i.e., as requiring continuous practice and strenuous effort;¹⁰⁰ and that Origen could claim that Christianity was a popular version of the same ethics of which Plato was a learned version.¹⁰¹

Rhetoric had also to provide the necessary legitimization and glorification of its own spokesmen, of the scholar-teacher-jurist-administrator class. To a certain extent, it is thus self-glorification. Chrysippus, according to D. L. VII.122, thus reformulated Plato's rule that the philosophers should be kings, quite realistically, when he recommended that the wise alone are fit to administrate, judge, and orate. Philodemus of Gadara, c.110–40/35 B.C., claimed that "rhetoric alone makes laws" and that the true rhetors were righteous.¹⁰²

Since the belief in life after death had become quite common, we would expect that a class aspiring to *sophos*-status and propagating it as the true way of life would project this ideal into their concept of the Hereafter, most likely in the form of an academy or, at least, as a learning experience. This is, indeed, the case. Plutarch, c. 46—after 120, using ample Platonic precedents,¹⁰³ tells

⁹⁹ Cf. the recent edition of Henry Chadwick, *Texts and Studies*, Cambridge 1959, 2nd ser.

¹⁰⁰ W. Jaeger, *Early Christianity and Greek Paideia*, Cambridge, Mass. 1961, *passim*; F.C. Grant, *Roman Hellenism and the New Testament*, Edinburgh 1962, p. 164; Joh. Leipoldt, "Griechische Philosophie und fruehchristliche Askese," *Berichte ueber die Verhandlungen d. saechs. Akad. d. Wiss. z. Leipzig*, Philol.-Hist. Klasse, v.106, Heft 4, Berlin 1961, 1-67, *passim*; Y. F. Baer, *Yisra'el ba-'amim*, Jerusalem 1955, *passim*. The two latter fail to distinguish clearly between the rhetorical varieties of *askēsis* which are non-dualistic—i.e., not based on a dichotomy of body and spirit but practice-achievement directed and strongly Cynico-Stoic—and Pythagorean, Platonic, Neoplatonic and quasi-Gnostic varieties which presuppose the superiority of the "Spiritual" over the Physical; cp. especially the *non sequitur* in Leipoldt, *op. cit.*, p. 4. In most "pagan" and Jewish (-Palestinian) sources and in some (non-Pauline) Christian rhetoric the former type of *askēsis* prevails.

¹⁰¹ *Contra Celsum* VI.1-2; VII.61.

¹⁰² Cf. H.M. Hubbell, "The Rhetorics of Philodemus," *Transactions of the Conn. Acad. of A. and S.*, vol. 23, 242-382, p. 343 (*Fragm. inc.* Sudhaus II, 179, fr.III), cp. p. 360 (*Fragm. hypomn.* II, 275, fr. X) and *ibid.* (II, 279, fr. XXII). Some criticism of rhetoric, however, is proffered in Philodemus' treatise.

¹⁰³ Cp. *Timaeus* 30 B, 41-42, 90 A; *Phaedo* 81 B-C; *Phaedrus* 256 B, *Republic* 621 C-D; *Timaeus* 58 D, *Phaedo* 109 B, 111 B; *Phaedrus* 248 A-B; etc.

the tale of the gradual liberation and improvement of the mind-element after death of those who had made righteousness and reason dominant in their lives. Although this experience resembles more a mystical astral ascent and an initiation rite than an academic session, the developing "Spirits," nevertheless, see and learn a great deal.¹⁰⁴ Much clearer is Origen's case (c. 185–253). In Paradise God will organize a school for souls with angelic instructors, and syllabus, examinations and promotions to higher spheres are not missing.¹⁰⁵ In the Amoraic sources the concept of the Academy On High, *yeshivah shel ma'alah* (heb.) or *methibhta de reqiy'a* (aram.) emerges in Palestine c. 250, in Babylonia c. 300. Details include talmudic discussion, God as teacher, the depth and esoteric character of the instruction—which is superior to angelic lore—and even a seating order.¹⁰⁶

The intriguing question can now be asked whether the Tannaim and their Pharisaic predecessors, using rhetorical techniques and the ideology of the Sage in a similar fashion, represent in Judean culture the identical class, similarly entrusted with the practical tasks of law, administration and cult, similarly under the threat of a still more powerful ruler,¹⁰⁷ similarly concerned with the preservation of the ancient heritage by new techniques, and similarly clashing with the *hoi polloi*, i.e., the 'Am ha-'arets. Indeed, its attractiveness as an ideology for an elite scholar-bureaucracy may have been among the reasons for the adoption of this rhetorical system in the first place.

¹⁰⁴ *Mor.* 943ff. (*de facie*). Cp. the use of the notions of joy (943 C), crowned victors, ray of light (D), and nourishment by exhalation (E) with the similar syndrome in BT Berakhot 17a (Rab, 160/175–247, Palestine and Babylonia) and AdRN, Version A, 3a, p.4 (anon.): "...the righteous sit (with) their crowns on their heads and are nourished by (Ber.: enjoy) the radiance of the Shekhinah..."

¹⁰⁵ *De principiis* (Rufinus), ed. P. Koetschau, II.2.4ff. (*Die Griech. Christl. Schriftsteller d. Ersten Drei Jahrhund.*, Origenes Werke I), Leipzig 1913. Cf. E.R. Dodds, *Pagan and Christian in an Age of Anxiety*, Cambridge 1965, p. 129, who remarks that for Origen "Heaven is an endless university." The idea of the heavenly academy is here combined with concepts of purgation and sublimation that strongly resemble the situation in the Platonic item of Plutarch, above, whereas the details to be learned and their esoteric nature resemble the talmudic material quoted below.

¹⁰⁶ BT Pes. (Johanan, died 279, Palestinian); BT Baba Metsi'a 85b (Pal.); 86a (Bab.); Pesikta de R. Kahana, ed. S. Buber, 107a; PT Shabbat VI, end, 8d (Krot.).

¹⁰⁷ A native tyrant or Rome. Exile or martyrdom was more often than not the fate of the major figures of both cultures.

While in this present study the existence of such a scholar-bureaucrat class in Palestine is proposed on the grounds of their *sophos*-ideology and their use of Greco-Roman rhetorical forms and stances, Prof. Urbach, in his aforementioned study and Prof. Neusner, in a recent essay¹⁰⁸ use historical and legal talmudic material to suggest the existence of such a judicial-administrative-instructional class. Prof. Neusner deals with the Babylonian Amoraim and is able to demonstrate that their influence on synagogue, piety and custom was only through their expository skill, while their official activities consisted of the adjudication of property transactions, family status and market supervision as well as other doings in the interest of the Exilarchate.¹⁰⁹

The entire situation evokes further the suspicion that the Pharisees may have been the most Hellenized group in Judea and may have offered a desirable alternative to the creation of a foreign court bureaucracy, or native bureaucracy of their own, for the later Hasmonians and the Herodians.¹¹⁰ The strongly Israel-centered and devout makeup of the Pharisees and Tannaim does not preclude Hellenization. A revealing instance is the great Roman conservative and patriot Cato Major (M. Porcius, 234-149), who counts among the most brilliant Hellenists of the Romans.¹¹¹ Toynbee felt inclined to call his anti-Hellenism a pose, following herein Plutarch's evaluation.¹¹²

The inner dynamics of a bureaucracy of this type has recently been the subject of some special studies, such as those of Fred N. Riggs at Indiana, and Shmuel Noah Eisenstadt at Jerusalem.¹¹³

¹⁰⁸ Jacob Neusner, "The Rabbi and the Community in Talmudic Times," *C(entral) C(onference) of A(merican) R(abbis) Journal* 14, 1967, 65-76, cf. his *A History of the Jews in Babylonia* II, Leiden 1966.

¹⁰⁹ The essays by Urbach and Neusner were published after the conclusion of the present study and are otherwise not used in it. It is gratifying to observe that a cross-cultural and literary study as this one would arrive at a similar result. The Urbach and Neusner essays do not discuss literary genres nor the relation of talmudic materials to Greco-Roman situations.

¹¹⁰ Cf. their periods of collaboration with the Pharisees. No clash between Hillel and the Judean court or Rome is reported.

¹¹¹ He was able to orate in vernacular Greek and to use the classics effectively. Plutarch, *Cato Major*, ch. 12; E.V. Marmorale, *Cato Major*², Bari 1949.

¹¹² A. J. Toynbee, *Hannibal's Legacy* II, London 1965, 414-428.

¹¹³ Riggs: *Comparative Bureaucracy: The Politics of Officialdom*, Bloomington, Ind., 1962; *Administration in Developing Countries* (The Theory of Prismatic Society), Boston 1964. Eisenstadt: *Comparative Institutions*, New York 1964, Section III, "Bureaucracy and Bureaucratization."

Their observations, made on other bureaucracies of this type, seem, at first glance, to throw a great deal of light also on Pharisaic moves, maneuverings, and attitudes. The Hellenist skills of Judean Pharisaism may quite well have developed with historical predecessors of theirs under the Ptolemaic regime, which was apparently a period of fruitful symbiosis.¹¹⁴ Newly acquired political independence will sooner or later bring the most skillful class to the fore, unless their members have compromised themselves entirely through allegiance to their former oppressor.

An additional shortcoming of previous scholarship is the habit of juxtaposing in parallel columns talmudic materials with similar items of the New Testament. The largest attempt of this sort was Strack-Billerbeck's monumental commentary on the New Testament from Talmud and Midrash.¹¹⁵ To be sure, this is in some respects a useful undertaking, but more often it leads to erroneous conclusions about relationships and sources. When passages seem to indicate rhetorical coloration, comparison should include the Greco-Roman parallels; i.e., a triple column is a must.¹¹⁶ Thus, the Sermon on the Mount, Matt. V-VIII, Luke VI: 20-37, should be compared not only to a midrashic homily, or considered to be an echo of the Decalogue or a reaction to the Tannaitic legislation at Jabneh (Jamnia),¹¹⁷ but also be explored in its relation to Greco-Roman rhetoric,¹¹⁸ since it shows traces of rhetorical style and

¹¹⁴ Cf. the Ptolemaic use of Jewish mercenaries and of Alexandrian Jewish officials of many types, and Ptolemaic ties with the Tobians. Cf. V.A. Tcherikover, *Hellenistic Civilization and the Jews*, Philadelphia 1959; and (with A. Fuks), *Corpus Papyrorum Judaicarum*, 3 vols., Cambridge, Mass. 1957-64. Cf. also the subsequent rapid Hellenization of the Hasmonaeans. The latter must have fought for independence rather than for de-Hellenization.

¹¹⁵ *Kommentar zum Neuen Testament aus Talmud und Midrasch*³, 7 vols., Munich 1926 (partial reprint 1961).

¹¹⁶ Gerhard Kittel's (ed.) equally monumental *Theological Dictionary of the NT*, tr. G.W. Bromiley, 3 vols. (in progress), Grand Rapids 1964— is virtually a three column study (German: 6 vols., reprinted Stuttgart 1957. The usefulness of this work is lowered in many places by an artificial differentiation between Christian and non-Christian phenomena and an *a priori* devaluation of the latter). In a fourth "column" OT precedents are given. Still valuable is J.J. Wet(t)stein's *Hē Kainē Diathekē*, 2 vols., Amsterdam 1751-52 (reprinted Graz 1962).

¹¹⁷ So variously Asher Finkel, *The Pharisees and the Teacher of Nazareth*, Leiden 1964; W.D. Davies, *The Setting of the Sermon on the Mount*, Cambridge 1964.

¹¹⁸ Illumination through Hellenistic materials: K.F.G. (also D.C.F.G.) Heinrici, *Die Bergpredigt*, BGENT III.1, Leipzig 1905 (biased). On early Christianity generally: Carl Schneider, *Geistesgeschichte des antiken Christentums*, 2 vols.,

sophos ideology. Public temple scenes in which Hillel or Jesus castigate popular piety must not be juxtaposed without relation to Diogenes' or Antisthenes' many similar actions.¹¹⁹ When in Matthew's attempt at a *sophos* portrayal the central Sage attacks the hypocrisy of Pharisaism, no excess on the part of actual Pharisees living or dead may have been the cause, but rather the temptation to use the Greek cynicizing *thaumaston* in the style of Anacharsis, a Scythian Sage, who "uncovers" the hypocrisies of Greek culture: "He said he wondered (*thaumazein* . . . *elege*) how the Greeks should legislate concerning violence while they honor athletes for wounding each other," D.L. I.103, and a host of others. Only the representatives of Formgeschichte and Rudberg have moved in this direction, without committing themselves, however, in regard to questions of historicity.

The claim of such an adoption of rhetorical content by an otherwise apparently exclusive culture would be more plausible if parallels to it existed elsewhere. This is indeed the case. The early Church, for example, was so impressed with the rhetorical mold that, among others, Arrian-Epictetus' *Encheiridion* was more than once edited in the form of a Christian paraphrase, and Minutius Felix reworked Cicero's *De natura deorum* into his dialogue Octavius, all without mention of the original author.¹²⁰ Of course, in the Near East, the adoption of short rhetorical items was probably made "subconsciously," i.e., on the supposition that it was unthinkable that a true teacher would not have embodied in himself all known features of any positive ideal or happening. The Romans, hardly a spineless people, had made such adoptions from Greek rhetoric on a small scale. On a large scale, they preferred to

Munich 1954. Papyri: Adolf Deissmann, *Licht vom Osten*⁴, Tuebingen 1923 (*Light From the East*, tr. L.R.M. Strachan, London 1911). Chas. Norris Cochrane, *Christianity and Classical Culture*, New York 1941, 1944 (reprinted 1957) and the writings of Henry Chadwick, Adolf Bonhoeffer, F. Pfister, W.L. Knox, C.H. Dodd, F.J. Doelger, F.C. and R.M. Grant and R. Bultmann.

¹¹⁹ Derivation of these scenes from Greco-Roman rhetoric (and the suspicion of their non-historicity) does not preclude the possibility that these items counter the influence of another Teacher-Sage or movement, i.e., that Hillel items attempt to counter Jesus' portrayal, or vice-versa, or that Hillel's portrayal counters that of Nicolaus of Damascus (the latter idea briefly suggested by B. Wacholder, *Nicolaus of Damascus*, Berkeley 1962). For this reason, the attempts of Finkel and Davies (see n. 117, above) are of value.

¹²⁰ J. Stelzenberger, *Die Beziehungen der fruehchristlichen Sittenlehre zur Ethik der Stoa*, Munich 1937, ch. 14: *Paraphrasis Christiana* and Pseudo-Nilus.

identify themselves openly with the heroes of the Greeks and could thus leave the original names intact. This happened, too, in later patristic tradition, as, for example, with Maximus Confessor, c. 580-662, in his valuable collection *Loci communes*,¹²¹ and in medieval Islam where scholarly habits were quite advanced.¹²²

A final requirement of scholarship is a greater appreciation of what adoption actually means. Adoption is very rarely slavish. As a rule it signifies the recognition that a kindred spirit prevails in the other culture, or that an urgent common problem has been successfully solved there. When it comes to the means of survival, there is often little choice. But only vital and living cultures borrow; rigid and stationary societies do not. Moreover, the rhetorical world, in its stress on practical ethics and the ideal of the Sage, resembled ancient Oriental Wisdom Literature (c. 2500-700), which had been acceptable to the earlier Hebrew culture of the biblical period.¹²³ Indeed, philosophy, as Seneca understands it, is actually called "sapientia" in his 94th Epistle, 15f. and *passim*. Philosophy, rhetorically hypostasized, can "speak"—"inquit," 95.10—just as *hokhmah* in biblical and midrashic texts. Considerable sections of both Oriental Wisdom and Greco-Roman rhetoric were religiously neutral or inoffensive. Both seem to have been the product and tool of bureaucracies.¹²⁴ Rhetorical-Cynical non-conformism, especially the odd demonstrative act and the critique of the public by the Sages, resembled earlier Hebrew prophetic stances.

Adoption, furthermore, means adaptation. The latter was manifold and complex in early talmudic culture: the Greek *chria*, for example, was: (1) "naturalized," i.e., told of Pharisaic and Tannaitic heroes; (2) transcendentalized, i.e., used for the propagation of revealed Torah and the acquisition of immortality; (3) most often "legitimized" or "testimonialized" by the addition of a more or

¹²¹ In *Opera Omnia*, J.P. Migne, *Patrologia Graeca*, vol. 91, Paris 1865.

¹²² See Franz Rosenthal, *Das Fortleben der Antike im Islam*, Zurich 1965.

¹²³ All introductions to the OT. Further: J.C. Rylaarsdam, *Revelation in Jewish Wisdom Literature*, Chicago 1946 (he continues the work of Gressmann, Baumgartner and Fichtner); Robert Gordis, *The Book of God and Man*, Chicago 1965; James B. Pritchard, *Ancient Near Eastern Texts...*², Princeton 1955; ed. M. Noth, D. Winton Thomas, *Wisdom in Israel and in the Ancient Near East*, Leiden 1955. H. Schmoekel, *Kulturgeschichte des Alten Orient*, Stuttgart 1961.

¹²⁴ In the widest sense of the term. Robert Gordis speaks of a responsible middle class, "The Social Background of Wisdom Literature," *Hebrew Union College Annual* 18, 1943-44, 78-118.

less fitting confirmative biblical quotation, a *testimonium* or *martyrion* as it is sometimes called in Greco-Roman rhetoric where it is similarly used;¹²⁵ (4) "humanized," i.e., the Sages were made to be less mordant with the "victims" of their wit and, consequently, less witty. At a later stage, when the true chriic nature of the stories was perhaps no longer fully understood or no longer admissible, the *chria*, and with it the fictional debate and other genres, were (5) halachized, i.e., considered an actual event and legal precedent from which further law could be derived.¹²⁶ Adaptation of this sort, however, signifies a partial rejection of the original material, and its elevation from a popular level to serious legal use.¹²⁷ (6) Rhetorical material was, of course, only selectively adopted; and, finally, (7) its narrative technique was used creatively in the (still rhetorical) combination of chriic and other motemes into a new unit, as, for example, in the story of Hillel in the Snow, BT Yoma 35b, which is totally made up of chriic elements.

Many additional circumstances point to such an adoption of Greco-Roman rhetoric in early talmudic culture. The express distinction between oral and written lore and the consciousness of their problematic relationship is found in both cultures¹²⁸ and finally ended in a general wave of codifications of cultural materials of all types in both cultures from 150 to 250.¹²⁹ We find

¹²⁵ Definition in Cicero's *Topica* 73; see "Cynicism" 41.1.

¹²⁶ For example, the rather bawdy and witty report, totally composed of similar Greco-Roman elements, of Hillel's exhibiting a bull as a cow in the Temple, TB Betsah 20af. *Chriae* are also used to illustrate already existing law. Cf. "The Transformation of a *Chria*," *Erwin R. Goodenough Memorial Volume*, Suppl. *Numen*, XIV, *Religions in Antiquity*, Leiden 1968, 372-411, IV.2.

¹²⁷ The Hebrew *chria* is non-political; its Hellenistic counterpart is often aggressively political. In Judaic culture, however, opposition against Rome, empire and tyranny found expression in other literary media, such as the martyrology, the apocalypse, even the romance, halachah, and various midrashic forms. The political fable, however, exists in both cultures.

¹²⁸ Aristotle, *Rhet.* I.x.6, 1368 b; I.xiii.2, 1373b. Cf. Diogenes in D.L. VI.48 (oral transmission superior) with Hillel in Shabbat 31a (reliance on oral transmission necessary). Cf. Ben-Amos, *op. cit.*, pp. 19-29. Gerhardsson's work, throughout, is devoted to this subject: Rabbinic Judaism: 19-181; early Christianity: 182-335.

¹²⁹ West: grammar and criticism, *curiosa*, symposia, gnomes, philosophical *vitae* and, above all, law. Judea: earlier attempts and final Mishna, Tosefta, halachic Midrashim, AdRN, possibly Gen.R. and Lev. R., Megillath Ta'anith, earliest form of Seder Olam. Our contention is that some historical necessity (possibly a mere receding of creativity) in both cultures brought about practically simultaneous codifications of both Roman and Judean material by the representatives of similar bureaucracies.

the same singling out of Epicurus and Oenomaus as the *bêtes noires* of later rhetoric,¹³⁰ and the same diffusion and proportional distribution of echoes of popular Hellenistic philosophies, such as Pythagorean bits, some Platonic material, a fair amount of Stoicism (all twice if not thrice removed from their origin) and, above all, the all-pervading coloration of Cynicism, partly in the sense in which rhetors and even Stoics asserted "that the Sage cynicizes, Cynicism being a short-cut to virtue."¹³¹

If Pharisees and Tannaim—and similarly the Fathers of the Church—indeed have acquired and developed farther the literary tools of another bureaucracy, the possibility exists that Roman administrators may have borrowed from their Near Eastern counterparts. Indeed, the *Scriptores Historiae Augustae*, XLV. 6f., i.e., Lampridius, thus claims that the Emperor Alexander Severus recommended the ordination procedures used for Christian and Jewish "priests" (i.e., in the case of the latter: rabbis) to Roman officials for the installation of provincial governors, revenue officials and army officers! In LI. 5 Alexander Severus is shown to have made the Golden Rule, as received from Christians and Jews (thus expressly the text), an official imperial slogan, being used even in military law.¹³²

A final example from the Christian hierarchy reflects the blurred borderlines between bureaucratic-rhetorical terminology, popular philosophy, and religious doctrine. Augustine calls the Golden Rule, as it appears in different formulations, "vulgare proverbium"

¹³⁰ Thus in *Orations* VI and VII of Emperor Julian. On a positive use of Epicurean materials in Rabbinic literature cf. *Encyclopaedia Judaica* (Engl.) Jerusalem-New York, 1969-70, s.v., "Epicureans and Epicureanism."

¹³¹ D.L. VII.121 (Apollodorus). Rhetorical nostalgia for Cynicism (often hand in hand with criticism of its abuses) with Philo, Seneca, Musonius Rufus, Epictetus, Dio, Favorinus, Lucian, Plutarch, Maximus of Tyre and Julian, also with a number of Church Fathers. Last but not least with Diogenes Laertius. On Philo's "Cynical source," reflected in a description of the festival cycle in Cynic-nostalgic terms, see Isaak Heinemann, *Philo's griechische und juedische Bildung*, Darmstadt 1929-32 (reprinted 1962), 142-145.

¹³² The test cases supplied in this passage may have been older valid military law to which the Golden Rule became secondarily appended. On the other hand, similar test cases combined with the Golden Rule are already found in the Akiba passage, Philo, Luke, and some others, cf. n. 67.

Whether Lampridius' incidents are historically true or only express a certain tendentiousness of his work is not decisive for our argument. In either case, the existence of such a rhetorical-bureaucratic-ethicizing ideology is evident, either with the emperor or with his historian.

in *De ordine* II.8.25; he counts it among the "praecepta sapientium" and as part of Natural Law in *De quantitate animae* 73; he stresses its absolute validity in *De doctrina Christiana* III.14 but establishes closer ties with revelatory doctrine mainly in *Enarrationes in Psalmos*.¹³³

A critical reflection on Greco-Roman rhetoric and its techniques and genres, as it was in fact undertaken in Greco-Roman antiquity in a highly sophisticated attempt, must be continued in modern scholarship and followed by an exploration of the Near Eastern genres. Only then can their significance for history, biography, and intercultural relations be determined. The historian, meanwhile, has to use this material only with the greatest of caution and the greatest of ingenuity.

¹³³ Migne, *Patrologia Latina* 32, p. 1006; 32, p. 1075; 34, p. 74. *Enarr. Ps.* 35 (sermo 1.34); Ps. 51 (sermo 10.23); Ps. 57 (sermo 1.8).

24.

THE SEDER OF PASSOVER AND THE EUCCHARISTIC WORDS

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Several decades have passed since the standard works on the order of the paschal meal were written. The same can be said of the attempts to place the eucharistic words within the framework of that meal. The following study is meant to be an examination of a part of the material in these older works. I have reviewed much of the primary source material on which these earlier works rest; and find that the texts do not always support the reconstructions which were based on them. Therefore, I offer my own reconstruction of the order of the paschal meal and try to place the eucharistic words within that order. I shall not refer to previous reconstructions, since they will be familiar to the reader; to engage in polemics would only take up space.

The order of the paschal meal can be determined rather accurately by reconstructing the order of the normal festive meal and then changing and adjusting that order on the basis of the texts which deal specifically with the paschal meal. This is possible because the Jewish meals for special occasions were only variants of the one standard form of the festive meal.

An important point to note about the Jewish festive meal of the Tannaitic period is that it paralleled the contemporary Graeco-Roman festive meal, except for the specifically religious elements, e.g., prayers were said at the same points in both meals, but the content of the prayers were different in the respective meals. In their dining habits as well as in numerous other ways, the Jews were a part of the Graeco-Roman world, but not yet fully integrated. The similarities between the dining habits of the Jews and those of their contemporaries can be demonstrated for a long period prior to the age of the Tannaim, and both Tannaitic and Graeco-Roman texts point to the East as the source of their table customs. An abundance of textual material makes possible a detailed and

accurate reconstruction of the Jewish festive meal; wherever possible, I shall call attention to an even more copious supply of Graeco-Roman texts relative to the non-Jewish festive meal. In other words, I shall treat the paschal meal as one among many Jewish festive meals, and set the Jewish festive meals in the larger context of other festive meals in that period of history. In each case, I shall cite the earliest texts which I have been able to find; in almost every instance numerous additional texts could have been given. The vastness of the literature from this period of history precludes any claim to exhaustiveness.

Since the Tannaitic literature covers a period of about four centuries, I shall assign a more precise date to the texts whenever possible, even though my purpose is to reconstruct the paschal meal from the Tannaitic literature as a whole, and not as it was celebrated in any one part of that period. I shall also date the non-Jewish materials whenever that is possible. The disregarding of dates is one of the deficiencies which I find in previous works on this subject. If there is a history of Theology, and a history of the *halakah*, then there must also be a history of rites and ceremonies.

For both the festive meal and the paschal meal, we have two different kinds of textual material: those texts which present a summary or outline of the meal, and those which offer information on a particular part of the meal. The latter texts are scattered throughout the Tannaitic literature; the former are found in only five places. The three summarizing texts which deal with the festive meal are as follows.

(T. Berakoth 4, 8, 9_a)

What is the order of the meal? The guests enter [the house] and sit on benches, and on chairs until all have entered. They all enter and they [servants] give them water for their hands. Each one washes one hand. They [servants] mix for them the cup; each one says the benediction for himself. They [servants] bring them the appetizers; each one says the benediction for himself. They [guests] go up [to the dining room] and they recline, and they [servants] give them [water] for their hands; although they have [already] washed one hand, they [now] wash both hands. They [servants] mix for them the cup; although they have said a benediction over the first [cup] they say a benediction [also] over the second. They [servants] bring them the dessert; although they said a benediction over the first one, they [now] say a benediction over the second, and one says the benediction for all of them. He who comes after the third course has no right to enter.

(P. Berakoth 10d₄)

The order of the meal is taught in a Baraitha: The guests enter and sit on benches and on chairs until all are assembled. They [servants] bring to them [guests] wine; each one says the benediction for himself. They [servants] bring [water] for their hands; each one washes one of his hands. They [servants] bring to them the appetizers; each one says the benediction for himself. They [guests] go up [to the dining room] and they recline. They [servants] bring to them wine; although he [each one] has said a benediction over the first [cup of wine], it is necessary to say a benediction over the second, and [now] one says the benediction for all of them. They [servants] bring to them [water] for the hands; although he [each one] has [already] washed one hand, it is now necessary to wash both hands. They [servants] bring to them the dessert; one says the benediction for all of them. And a guest has no right to enter after three courses.

(B. Berakoth 43a top)

What is the order of the meal? The guests enter [the house] and sit on benches and on chairs until they have all come in. They [servants] bring them water; each one washes one hand. Wine comes before them; each one says the benediction for himself. They [the guests] go up and recline, and water comes for them; although each one has [already] washed one hand, he repeats and washes both of them. Wine comes to them; although each one has [already] said the benediction for himself, one [now] says the benediction for all of them.

These three summaries disagree only with regard to the order in which one is to mix the wine and wash the hands. The Tosephta and the Babylonian Talmud follow the order of the School of Shammai, while the Palestinian Talmud follows the order of the School of Hillel ¹⁾.

The order of the paschal meal is summarized in the following two texts.

(M. Pesachim 10. 1-9)

- 1) On the eve of Passover, close to *minḥah*, one does not eat until it gets dark.

And even a poor man in Israel does not eat until he reclines.

And they do not give him less than four cups of wine, and even (if it must come) from the charity plate.

- 2) They mix for him the first cup.

The School of Shammai say, one recites the benediction over the day, and after that, one recites the benediction over the wine. But the School of Hillel say, one recites the benediction over the wine, and after that, one recites the benediction over the day.

¹⁾ M. Berakoth 8.2. T. Ber. 6, 2, 13₁₀.

- 3) They bring before him.

He dips with the lettuce until he reaches the course of bread.

They bring before him unleavened bread, lettuce, fruit puree, and two cooked dishes, even though the fruit puree is not a commandment. Rabbi Eleazar bar Zadok [grandfather and grandson of same name, late first century and middle second century A.D.] says, "It is a commandment."

And in (the days of the) Temple, they used to bring before him the carcass of the pascal lamb.

- 4) They mix for him the second cup.

And here the son questions his father. But if the son has not (enough) knowledge, his father instructs (prompts) him.

"Why is this night different from all (other) nights?

For on all (other) nights we eat (either) leavened or unleavened bread; tonight, only unleavened.

For on all (other) nights we eat various kinds of herbs; tonight, bitter herbs.

For on all (other) nights we eat flesh roasted, stewed, or boiled tonight, only roasted.

For on all (other) nights we dip once; tonight, twice."

And according to the understanding of the son, his father instructs him, beginning with disgrace and concluding with praise.

And he expounds from "A wandering Aramaean was my father" [Dt. xxvi 5] until he finishes the entire section.

- 5) Rabban Gamliel [end first century A.D.] used to say, "Anyone who has not said these three things on Passover has not fulfilled his obligation. And these are: pascal lamb, unleavened bread, bitter herbs."

Passover because the Place passed over the houses of our fathers in Egypt.

Unleavened bread because our fathers were redeemed from Egypt.

Bitter herbs because the Egyptians made bitter the lives of our fathers in Egypt.

In each and every generation one is obligated to see himself as if he went out of Egypt, as it is said, "And you shall tell [*hgd*] your son on that day saying, 'Because of what the Lord did for me in my exodus from Egypt.' " [Ex. xiii 8].

Therefore we are obligated to thank, to praise, to laud, glorify, to exalt, to honor, to bless, to extol, and to adore him who has done for our fathers and for us all these signs, bringing us from slavery to freedom, from sorrow to rejoicing, from mourning to a feast day, from darkness to great light, from servitude to redemption. And (therefore) let us say before him, Praise ye the Lord!

- 6) How far does one recite?

The School of Shammai say, "Up to, '... the joyous mother of children.'" [Ps. cxiii 9] But the School of Hillel say, "Up to '... flint into a spring of water.'" [Ps. cxiv 8]

And one concludes with Redemption.

Rabbi Tarphon [early second century A.D.] says, "... who redeemed us and redeemed our fathers from Egypt."

But he did not add a conclusion.

Rabbi Akiba [early second century A.D.] says, "Therefore, may the Lord, our God and the God of our fathers, bring us in peace to the other feasts and pilgrim festivals which are coming to meet us, while we rejoice in the building of your city and are glad in your service (worship). And may we eat there from the sacrifices and from the pascal lamb etc. ..." until "Blessed are you, O Lord, redeemer of Israel."

- 7) They mix for him the third cup.

He says a benediction over his meal.

(They mix for him) the fourth (cup).

He completes the Hallel over it and also says the benediction for the song over it.

Between these cups, if one wishes to drink, let him drink. Between the third and the fourth he must not drink.

- 8) They may not conclude after the pascal lamb with dessert.

If some of them fell asleep, they may (continue to) eat.

If all (fell asleep), they may not (continue to) eat.

Rabbi Jose [middle second century A.D.] says, "If they take a nap, they may (continue to) eat. If they fall into a deep sleep, they may not (continue to) eat."

- 9) The pascal lamb makes the hands unclean after midnight.

The *piggul* and the Remnant make the hands unclean.

"If one recites the benediction for the pascal lamb, it exempts (him from) the one for the festal offering. If one recites the one for the festal offering, it does not exempt (him from) the one for the pascal lamb." These are the words of Rabbi Ishmael [early second century A.D.]. Rabbi Akiba says, "That one does not exempt this one, and this one does not exempt that one."

(T. Pesachim 10. 1-14)

- 1) On the eve of Passover, close to *minhah*, one does not eat until it gets dark.

And even a poor man in Israel does not eat until he reclines.

And they do not give him less than four cups of wine in which there is a quantity of one-fourth (*log*), either new or old, or unmixed or mixed.

Rabbi Judah [middle second century A.D.] says, "Provided that there is the taste of wine and the appearance."

- 2) They mix for him the first cup.

The School of Shammai say, "One recites the benediction over the day and after that one recites the benediction over the wine" because the day brings (= is the occasion for) the wine. For the day arrives and is already sanctified, but the wine has not yet come. But

the School of Hillel say, "One recites the benediction over the wine, and after that, one recites the benediction over the day" because the wine brings (= is the occasion for) the sanctification of the day.

- 3) Another explanation: the benediction over the wine is a constant; the benediction over the day is not a constant.

But the *halakah* is according to the School of Hillel.

- 4)

- 5) The servant may dip the intestines [of the paschal lamb (or the festal offering ?) as an appetizer before he serves the meal] and he may place them before the guests [as an appetizer]. And although there is no (Biblical) proof for the matter, there is a suggestion for it, "Break up your fallow ground and do not sow among the thorns." [Jer. iv 3]

- 6)

- 7)

- 8)

- 9)

Rabbi Eliezer [early second century A.D.] says, "They may give unleavened bread to the children early [i.e., before the appointed time in the main meal] so that they do not go to sleep."

Rabbi Judah [middle second century A.D.] says, "Although he has eaten only one course, although he has dipped only one lettuce, they may give unleavened bread to the children early so that they do not go to sleep."

. . . .

Unleavened bread, fruit puree, lettuce, although the fruit puree is not a commandment.

Rabbi Elazar bar Zadok [see M. x 3] says, "It is a commandment."

In (the days of the) Temple they brought before him the carcass of the paschal lamb.

- 10)

- 11) They may not conclude after the paschal lamb with dessert.

For example, nuts, dates, and parched grain..

And a man is obligated to occupy himself with the rules of Passover all night, even between himself and his son, even between himself and his disciples.

- 12)

- 13) What is the benediction for the paschal lamb? One says, "Blessed [art thou, O Lord, our God, king of the universe] who has sanctified us with his commandments and commanded us to eat the paschal lamb."

- 14) What is the benediction for the festal offering? "Blessed . . . who has sanctified us with his commandments and commanded us to eat the festal offering."

The text of the Mishnah falls into three parts. The first part, consisting of the first mishnah only, gives three rules for the paschal meal. The second part, consisting of mishnahs two through seven, describes the meal itself. The third part, the last two mishnahs (from: If some of them fell asleep . . .), gives further rules for the paschal meal. The first and third parts deal with the subject of the meal, but only the second part describes the paschal meal itself. Perhaps the description of the paschal meal was inserted within a list of *halakoth* (rules) via catchword (cup) ¹⁾. This seems likely in view of the fact that the four cups provide the outline for the festive meal, to which the details are attached (see below).

The festive meal had three distinct parts: the hors d'œuvres (פרפרת שלפני המזון or simply פרפרת), the main course (מזון also called סעודה, הסיב and פרפרת הפת), and the dessert (פרפרת שלאחר המזון or simply פרפרת, among other terms). The word פרפרת, which can be used to designate each of the three parts of the meal, needs clarification. The word is best understood as a derivative from the Greek word *περιφορά*, *that which is carried around*, or, in the context of the dining room, those foods which are transported (to the dining room) or passed around at table ²⁾. (Dining room service consisted in bringing to the guests the entire table top, already set for eating; when the diners had finished a course, the servants lifted the entire table top from its legs and carried it from the dining room). That this is the correct explanation for the word can be seen best in M. Berakoth 6.5 ³⁾, where the word occurs three times: first with reference to the hors d'œuvres, then to designate the meal itself, and finally, with reference to the dessert. The term finds its equivalent in the English word *course*.

The contemporary Graeco-Roman festive meal had the same three parts. The following text indicates the situation in the second half of the first century A.D.

¹⁾ Since there are three negative statements in the first mishnah, the words "even from the charity plate" should probably be considered secondary; then the last item mentioned would be "four cups of wine." The parallel material in the Tosephta may also suggest such a history of the text, for the quotation from the Mishnah ends with "four cups of wine."

²⁾ For this explanation I am indebted to Baneth in A. SAMMTER, *Misch-naioth, Die sechs Ordnungen der Mischna* (Berlin, 1887), II, 239 f. See also LSJ, s.v. *περιφέρω* and *περιφορά*.

³⁾ Quoted p. 200, n. 3 below.

This [gourds] you will eat at once among the appetizers themselves; the first or second course [of the main meal] will bring it; the third course will return it to you; from this he will prepare the desserts ¹⁾).

The basic outline of the festive meal is as follows:

- I. Hors d'œuvres
 - . First cup
- II. Main course
 - Second cup
 - Meal
 - Third cup
- III. Dessert
 - Fourth cup

I shall now discuss the details of this outline.

I. HORS D'ŒUVRES

As the guests arrived, they were seated in an anteroom (פרחודר or פרוסודר from $\pi\rho\sigma\sigma\delta\epsilon\zeta$) in conjunction with the dining room (טרקלין) ²⁾. This practice comes from a period in which the dining room was located on the ground floor. Later, the dining room was transferred to an upper chamber, but the hors d'œuvres were still served in the anteroom on the ground floor ³⁾. I have not been able to find textual evidence for such a custom in the Graeco-Roman literature ⁴⁾. It appears that they served the hors d'œuvres after the diners had already reclined in the dining room.

After all of the guests had arrived and were seated in the anteroom, wine was brought in and the cups were mixed. The introduction of this cup of wine into the order of the Roman meal can be accurately dated.

Forty years ago, while Tiberius Claudius was emperor [14-37 A.D.] it became established that they would drink a cup of wine before the meal ⁵⁾.

¹⁾ Martial, *Epigrams* xi, 31, 4-7.

²⁾ See T. Ber. 7, 21, 178.

³⁾ See M. Nidda 2.5.

⁴⁾ Such an anteroom was excavated in Pompeii, but since it contains an altar, perhaps it was used for religious purposes only; see AUGUST MAU, *Pompeii, Its Life and Art* (New York, 1902), p. 264. The reference in Athenaeus 459 f. does not reflect established custom.

⁵⁾ Pliny, *Natural History* xiv, 143 f. Pliny lived 24-79; this work appeared two years before his death.

The variety of wine served with the hors d'œuvres is not indicated in the Tannaitic texts, but it might have been a *mulsum* such as the Romans drank at this point in the meal ¹⁾.

They may make honey-wine on the Sabbath. Rabbi Judah [middle of the second century A.D.] said: On the Sabbath in a cup, on a festival in a jar, and during the festive season, in a storage jug. Rabbi Zadok [early first century A.D.] said: It all is according to the [number of] guests ²⁾.

In an addition to the Mishnah, T. Pes. 10.1 gives further information about the wine: it may be new or old, unmixed or mixed. The quantity is also prescribed: one-fourth *log*. That means that the four cups must contain a total quantity of wine equal to the volume of one and one-half eggs. Just as the prescribed four cups represent the minimum number allowable, so the quantity here indicated represents the minimum which even the poorest man in Israel had to have, even if it had to be provided from the charity plate. It should be remembered that when our texts speak of a cup of wine here and at three subsequent points in the meal, this does not mean that the diners were limited to one cup (except where so indicated), but merely that the wine was served anew at these four points in the meal, according to established custom and in conjunction with a distinct stage in the progress of the meal. To put it differently, the four cups provide the skeleton of the meal to which the subsidiary parts are attached.

Over the cup of wine each guest said the benediction for himself because the diners were still a collection of individuals; that is, they had not yet become a table fellowship.

Over the wine one says, [Blessed art thou, O Lord, our God, King of the universe,] Creator of the fruit of the vine ³⁾.

At the paschal meal, an additional benediction appropriate to the day was said at this point (M. Pes. 10.2).

Prior to eating, each guest washed the hand with which he would eat (eating utensils were seldom used) ⁴⁾.

The first course was then served, and each person said his own benediction over the foods. A wide variety of foods were used as

¹⁾ Horace, *Satires* ii, 4 (second half of the first century B.C.).

²⁾ M. Shabb. 20.2.

³⁾ M. Ber. 6.1.

⁴⁾ Cf. Petronius, 31.

appetizers: lettuce, radishes, cucumbers, fruit, cheese, eggs, etc. No bread was served in the first course.

At this point in the paschal meal, a problem often arose. The main meal was normally eaten at the end of the day, just before night-fall; soon after dinner, the family probably retired for the night. But the main course of the paschal meal was served well after the hour when the children normally went to bed. And so it is quite understandable that after the children had partially satisfied their hunger with the hors d'œuvres, their heads would begin to nod and they would fall asleep even before the family had come to the most important part of the meal. In order to keep the children awake so that they could relive the experience of deliverance, they gave them some of the unleavened bread to keep them occupied ¹⁾.

II. MAIN COURSE

At the conclusion of the first course, the diners moved to the dining room, which was often on the second floor ²⁾. Here they reclined to take their dinner. Jews of the Tannaitic period probably reclined only for festive meals; ordinary meals were apparently eaten in a sitting position ³⁾. The precise posture of the reclining diner cannot be determined from the Tannaitic texts; for this information we must turn to non-Jewish texts. From these we learn that the diner reclined on his left elbow, supported by a bolster laid against the raised framework at one end of the couch. If more than one person occupied a given couch (they were made in different sizes to accommodate one or more persons), only one of them had the advantage of the supporting bolster. While eating, the body of the diner lay approximately parallel to the table so that he could conveniently reach the food ⁴⁾. One's importance or status was indicated by the position he occupied at the table, each position being assigned its own importance ⁵⁾. The couches were typically three (*triclinium*), one on each side of the table, with one side of the table left open for service. Another form was the *stibadium*, shaped like a lunar sigma with a round table in the center.

¹⁾ T. Pes. 10, 9, 172₂₇.

²⁾ M. Erub. 6.6 shows that this was not always the case.

³⁾ E.g., T. Ber. 5, 23, 13₁; T. Demai 5, 7, 54₉. Cf. Athenaeus, 428b.

⁴⁾ Seneca, *De ira* iii, 37, 4 (first half of the first century A.D.). Plutarch, *Quest. conv.* V, 6 (ca. 100 A.D.).

⁵⁾ T. Ber. 5, 5, 12₁. The Graeco-Roman texts indicate variations in the method of ranking the positions at table; see Plutarch, *Quest. conv.* i, 3.

According to M. Pes. 10.1, the paschal meal had to be eaten in a reclining position. (We do not know which, if any, of the above arrangements was customary.) Does this mean that the hors d'œuvres were also eaten in a reclining position (perhaps in the dining room)? One could reach this conclusion on the basis of the above conjecture that gentiles ate the hors d'œuvres in the dining room in a reclining position. But I think that there is a better answer to the question. T. Pes. 10.5 speaks of a servant who dips (and then eats) intestines. In two of the parallel texts (Pes. 86a and Mekilta de Rabbi Shimon ben Yoḥai on Ex. xii 46), where the question of eating the lamb in two places is under discussion, the servant who eats at the oven (in which the lamb is being roasted, i.e., before he reclines and outside of the dining room), is mentioned without disapproval for eating before he reclines. So we must not take our mishnah too literally and think, that nothing was eaten except in a reclining position. The probable meaning of this mishnah is that the *main course* may not be eaten until one reclines. (But Pes. 86a would go beyond even this lenient interpretation.) The history of the meal tends to support this interpretation (the first and third courses are considered appendages; the meal really consists of the second part alone).

After the guests had reclined, each in his proper place, wine was brought into the dining room and the second cup was mixed. The wine came to the dining room in the casks in which it had been stored. After it had been drawn from the casks, it was strained to remove any impurities ¹⁾. Gentiles also strained their wine ²⁾, but did not mix the wine drunk during the dinner ³⁾. The mixing was done in the cup of the individual diner.

They mix for him the first cup ⁴⁾.

They mix the cup for them ⁵⁾.

One should not drink from the cup and then give it to his colleague because the constitutions of men are not alike [some may be nauseated by this] ⁶⁾.

T. Ber. 4, 12, 9₂₀, quoted below, is further evidence for private cups.

¹⁾ T. Shabb. 7 (8), 9, 118₁₄. M. Shabb. 20.1, 2. Both texts reflect the situation in the first half of the second century A.D.

²⁾ Plutarch, *Quest. conv.* vi, 7, 1 (ca. 100 A.D.).

³⁾ See Diodorus iv, 3, quoted below, p. 192.

⁴⁾ T. Pes. 10, 2, 17₂₁₄.

⁵⁾ T. Ber. 4, 8, 9₈.

⁶⁾ T. Ber. 5, 9, 12₉. Cf. *Derek Eves Rabba* c. 9.

Private cups at dinner was the usual practice also among non-Jews ¹⁾).

"O unhappy sick man!" they say. Why? . . . Because he does not renew the coldness of his drink, mixed in a large cup . . . ? ²⁾).

But at least in the case of mead (perhaps other wine as well?), the mixing might be done in a jar from which the cups were then filled ³⁾).

The mixing was done by a servant ⁴⁾ who first poured wine into the vessel (cup or jar) and then added water ⁵⁾. Jews apparently used only warm water for the mixing ⁶⁾, while Graeco-Romans used either warm or cold water ⁷⁾. The proportion of water to wine varied both among Jews ⁸⁾, and among non-Jews ⁹⁾. Perhaps T. Pes. 10.1 cites Rabbi Judah in order to assure that the wine provided by charity really looked and tasted like wine! For the paschal meal, the Tosephta permits either new or old wine, mixed or unmixed.

Before drinking the wine, one said a benediction over it: Blessed art thou, O Lord, our God, king of the universe, Creator of the fruit of the vine ¹⁰⁾. I am aware of only one non-Jewish text which indicates that a benediction was said over wine drunk at dinner.

They say, at dinners, when unmixed wine is served, to say over it, "to the good Deity." But when, after dinner, it is served mixed with water, to say over it, "To Zeus Savior." [middle of the first century B.C., ¹¹⁾

¹⁾ An exception is the practice of the Celts, Athenaeus, 152c.

²⁾ Seneca, *Epistles* lxx, 23 (first half of the first century A.D.). Cf. also Athenaeus, 129ef (from ca. 200 A.D.).

³⁾ See M. Shabb. 20.2 above, p. 189.

⁴⁾ M. Pes. 7.13. Petronius, 68.

⁵⁾ M. Ber. 7.5 (middle of the second century A.D.). The custom changed from time to time in the Graeco-Roman world; see KARL FRIEDRICH HERMANN, *Lehrbuch der griechischen Privataltertümer* (Freiburg and Tübingen, 1882), p. 234 note 3.

Athenaeus, 129e, f suggests the same procedure as the mishnaic text cited in this note, but is dated about fifty years later.

⁶⁾ M. Pes. 7.13. Athenaeus, 129e, f.

⁷⁾ Martial, xiv, 105. Athenaeus, 128d.

⁸⁾ M. Nidda 2.7 (two parts water, one part wine of Sharon). The specification of proportion suggests that other proportions were also used, as later texts confirm.

⁹⁾ Proportions ranged from almost pure wine (Athenaeus, 128d, 129e, f) to a weak 1:3 mixture (*The Greek Anthology* xi, 49 from the first century A.D.).

¹⁰⁾ T. Ber. 4, 3, 8₂₄. I have given the majority opinion.

¹¹⁾ Diodorus iv, 3. The Tosephta in the previous note also gives different benedictions for mixed and unmixed wine.

The benediction over the second cup was said by one of the diners for the entire group ¹⁾, and the other diners responded with *amen* ²⁾. It was no longer necessary for each diner to say the benediction for himself, as in the case of the first cup, because the diners now constituted a unified group, rather than a collection of individuals. As wine was served in the course of the meal according to the needs of the individual diners, the person served said the benediction for himself ³⁾. The reason for this shift in practice is given in the following text.

They asked ben Zoma [*ca.* 100 A.D.], "Why is it said, 'If wine comes to them in the course of the meal, each one says the benediction for himself'?" He said to them, "Because the throat is not empty and one might choke if he said the *amen* after the benediction" ⁴⁾."

The arrangement of the material at this point in M. Pes. 10 is chronologically incorrect. According to the texts which describe the order of a normal festive meal, the servants serve the wine, wash the hands of the guests, and then bring in the main meal. But in the mishnaic description of the paschal meal, they bring in the main meal, and then they mix the wine; the washing of hands is mentioned nowhere in the account. Probably the reason for the inverted order, and at the same time the reason for the omission of the washing is that the compiler-author was much more interested in the narrative material (*haggadah*) which accompanied the meal than he was in the order of the meal itself (note the quantity of text devoted to each). That is why, in his eagerness to dispense with the mechanics, he attached a brief description of the serving of the meal ("They bring before him unleavened bread . . . the carcass of the paschal lamb.") to the description of the serving of the hors d'œuvres ("He dips with the lettuce until he reaches the course of bread.") via the catchword "they bring" (הביאו) and mentioned the mixing of the second cup only later, juxtaposed to the *haggadah*, which is his main interest. After we rearrange the text in correct chronological order, it reads as follows:

מזע לו כוס ראשון

הביאו לפניו מטבל בחזרת עד שמגיע לפרפרת הפת

מזע לו כוס שני

¹⁾ P. Ber. 10d above; also M. Ber. 6.6.

²⁾ T. Ber. 4, 12, 9²⁰ quoted below.

³⁾ M. Ber. 6.6.

⁴⁾ T. Ber. 4, 12, 9²⁰.

הביאו לפניו מצה וחזרת וחרוסת ושני תבשילין
ובמקדש היו מביאין לפניו גופו של פסח:

- (1) They mix for him the first cup They bring [the hors d'œuvres] before him. He dips with the lettuce until he reaches the distribution of bread.
- (2) They mix for him the second cup. They bring before him unleavened bread and lettuce and fruit puree and two cooked dishes and in Jerusalem they bring before him the whole paschal lamb.

The following Baraitha supports our reconstruction.

דתניא ר' יוסי אומר אע"פ שטיבל בחזרת מצוה להביא לפניו חזרת וחרוסת ושני תבשילין

For we learn in a Baraitha: Rabbi Jose [early second century A.D.] says, "Although he has dipped with the lettuce [as an appetizer] it is a commandment to bring lettuce before him [again], also fruit puree and two cooked dishes ¹⁾."

After the wine had been served, each diner washed his hands. Ablutions were performed as many as four (or more) times during a formal dinner. We have already noted that water for washing was provided for the first time just prior to the hors d'œuvres, when only one hand was washed because only one hand was used for eating in that part of the meal. At the beginning of the main course, water was offered again and each person washed both hands because he would use both hands to eat the main course. This is called "first water." When the main course was finished, one naturally needed to cleanse his hands, and so the "last water" was provided. Only these two washings were obligatory; the hygienic reason for the rule is obvious. In case one needed to leave the room in the course of the meal, he repeated the washing upon his return; this is called "middle water" ²⁾. The hands were usually dried on a napkin ³⁾. Parallel practices are indicated in the Graeco-Roman literature.

Although these ablutions are not mentioned in the texts dealing with the paschal meal, we may safely assume that they were carried out as in the normal festive meal.

The main course was now served. The meal was brought into the dining room already arranged on the table-top which the servants

¹⁾ B. Pes. 114b middle.

²⁾ B. Hul. 105a bottom. Cf. Petronius, 34 and 31 (middle first century A.D.).

³⁾ M. Ber. 8.3. Cf. Virgil, *Georgics* iv, 376 f. (second half of first century B.C.).

placed on the set of legs (usually a tripod) which stood before the diners ¹⁾. Before eating, one of the company said the benediction for the group ²⁾, and all responded with *amen*. Normally, it was the host who broke bread and said the benediction ³⁾ which served for all foods served in that course ⁴⁾. The host then dipped into the common bowl, and all began to eat. The host was permitted to honor a guest by allowing him to say the benediction and initiate the eating ⁵⁾. Among non-Jews, a new custom appeared around the end of the first century A.D. according to which each diner ate from his own private bowl ⁶⁾.

Wine was served as needed during this course, and each person said a private benediction each time his cup was filled ⁷⁾.

At the paschal meal, unleavened bread, lettuce, and fruit puree were among the items served for the main course. In Jerusalem, prior to 70 A.D., the paschal lamb was also a part of this course. In those cases where the company of diners was so large that the paschal lamb would not provide sufficient meat, a festal offering was provided in addition to the lamb ⁸⁾. This festal offering was also served at this time, but eaten before the paschal lamb ⁹⁾. The benediction for the festal offering is given in T. Pes. 10.14 above. Bitter herbs and two cooked dishes were also included in the main course ¹⁰⁾.

The paschal lamb (or a portion of it) was eaten last in order to be that food which satiates ¹¹⁾. The benediction for the paschal lamb is given in T. Pes. 10.13 above.

Hillel had his own way of eating the paschal lamb, unleavened bread, and bitter herbs.

¹⁾ B. Pes. 100b (middle second century A.D.). Cf. Petronius, 35 and 60.

²⁾ T. Ber. 4, 8, 9_a. References in the Greek and Latin literatures are rare; see Quintilian, *Declam.* 301 (second half of first century A.D.) and Athenaeus, 149d e (not datable).

³⁾ B. Ber. 46a (ca. 150 A.D.).

⁴⁾ M. Ber. 6.7.

⁵⁾ P. Ber. 10a.

⁶⁾ Plutarch, *Quest. conv.* ii, 10, 1.

⁷⁾ T. Ber. 4, 12, 9₂₀ (ca. 100 A.D.). Cf. Diodorus iv, 3 above (middle first century B.C.).

⁸⁾ M. Pes. 6.3.

⁹⁾ P. Pes. 33c.

¹⁰⁾ Bitter herbs, Mekilta on Ex. 12:8. Two cooked dishes, T. Pes. 5, 3, 163₁₂ (ca. 200 A.D.).

¹¹⁾ P. Pes. 33c and Mek. on Ex. 12:8.

For it is taught in a Baraitha: They [the Sages] said about Hillel [late first century B.C.] that he used to roll them [paschal lamb, unleavened bread, bitter herbs] together and eat them, as it is said, "On unleavened bread and bitter herbs they shall eat it." [Num. ix 11] Rabbi Johanan [an Amora] said: They [the Sages] disagree with Hillel, as it is taught in a Baraitha: One might think that he should roll them together and eat them in the manner of Hillel, [therefore] Scripture says, "With unleavened bread and bitter herbs they shall eat it," even this alone and this alone ¹⁾.

During the eating of the main course, the events of the exodus were recounted. The text of M. Pes. 10.4 ("They mix for him the second cup. And here the son questions his father.") in its traditional form suggests that the questioning and answering took place at the mixing of the second cup. But that was not the case in Tannaitic times, as the texts themselves make clear. To begin with, why would the son ask these questions "here"? Nothing abnormal had happened up to this time to raise questions in the mind of the child; at most, he might have noticed something unusual about the foods which were brought in on the table. But the differences between this meal and all other festive meals would be most evident as the main course was actually eaten. What the mishnah means is that during that part of the meal which was introduced by the second cup, the child took cognizance of several abnormalities and questioned his father about them. We must not think that this went on in the stylized manner which the present form of the Mishnah suggests (four questions followed by the father's answers). Rather, the child (or children) probably would have raised questions throughout this part of the meal as they noted various irregularities; the answers which the father gave probably engendered further questions. This reconstruction of the course of events fits well with the chronological correction discussed above. Furthermore, it is difficult to imagine that the meal was served and allowed to get cold while the questioning and answering went on.

The "telling" (*haggadah*) had no fixed form. The Mishnah gives two different ways of recounting the events (10.4,5); both use foods as the point of departure. A third method is given in the Mekilta to Ex. xiii 14 where the telling is done in connection with four kinds of sons. Each of these methods is different, and each probably grew out of a different historical situation. Yet they all fulfill the two requirements for the narration, that one should begin with disgrace

¹⁾ B. Pes. 115a middle.

and conclude with praise, and that one is obliged to see himself as though *he* had gone out of Egypt.

Here the first portion of the Hallel was recited.

At the conclusion of the main course, the diners washed their hands and the servant swept the floor ¹⁾. The floor needed to be swept because the remnants of the food (bones, pits, etc.) were either placed on the table or thrown on the floor ²⁾.

Although the texts dealing with the paschal meal do not mention the washing and the sweeping, we may safely assume that these were also a part of the order of the meal on Passover.

The dessert was now served. The tables might have been changed any number of times during the second part of the meal. Since the bread eaten during the meal was served already broken into pieces, the appearance of a whole loaf plus a side dish was a sign to the diners that the main course was at an end.

Rabban Shimon ben Gamliel [two persons with this name, latter half of first or second century A.D.] said: Pieces of bread are an important sign for the guests. Whenever the guests see pieces of bread [served], they know that something else is coming after them; when a whole loaf and [parched] legumes [are served], they know that nothing else is coming after them ³⁾.

After these items of the dessert were placed before the guests, grace was said. It was customary to say grace in connection with a cup of wine, the third of four cups ⁴⁾. It was debated whether oil

¹⁾ T. Ber. 6, 4, 13₁₇. I follow the School of Hillel. Cf. Martial, xiv, 82 (last quarter of first century A.D.).

²⁾ T. Shabb. 16, 7, 135₁₂ (ca. 70 A.D.). Cf. also the mosaic of "The Unswept Floor" found on the Aventine in Rome and now in the Vatican Museum; further, Pliny, *N. H.*, xxxvi, 184.

³⁾ T. Ber. 4, 4, 9₂₅.

⁴⁾ Secondary literature often seems to assume that "cup of benediction" was a technical term for the third cup in Tannaitic times, more particularly in the first century A.D. Various texts are cited to support this view. I have checked all references which came to my attention and only two of these texts could possibly be placed in the Tannaitic period. In B.M. 87a the term is used in material emanating from Rabbi Jose ben Hanina. There were two persons with that name, one a Tanna, the other an Amora. Since this portion of the text is not introduced in the manner of a Baraitha, I would prefer to call it Amoraic material.

In Ber. 51a, where the term also appears, a different problem arises. The material is first introduced as coming from an Amora, but then it is stated that some say that it is taught in a Baraitha. The term appears also in Hul. 87a in connection with Rabbi Judah the Prince, but this seems to be legendary material. I am forced to conclude that the term "cup of benediction" for the third cup in the meal does not occur in Tannaitic literature.

was also required for saying grace ¹⁾. Any one of the guests could say grace for the group ²⁾, and the others responded with *amen* ³⁾. According to FINKELSTEIN ⁴⁾, the earliest form of the grace after meals consisted of four very short benedictions.

The third cup and the accompanying grace are mentioned in the order of the paschal meal above.

III. DESSERT

With the saying of grace, the meal proper comes to an end. The dessert, which followed, was viewed as an appendage to the meal, but not a part of it. This explains why grace was said *before* the dessert was eaten. M. Ber. 6.6 makes this break clear by speaking of the wine of the dessert as coming to them *after* the meal.

If wine comes to them . . . after the meal, one says the benediction for all of them. And he [also] says [the benediction] over the incense, although they [the waiters] bring the incense only after the meal.

The point in this text is that one person says the benedictions for the group because the table-community has not yet been broken (all are still reclining) ⁵⁾.

Incense was brought in at this time, and a benediction was said (see the mishnah just quoted). It appears that incense was considered a very important item in the meal ⁶⁾.

The dessert consisted of wine and various foods such as bread and salted items. The texts reflect a certain indecision about which items require a benediction.

They [the waiters] bring before him a salted dish to begin with, and bread with it. He says a benediction over the salted dish, and that frees the bread [from the need of a benediction] because the bread is a side dish to it. This is the general rule: Whenever there is a main food and a side dish with it, one says a benediction over the main food and that frees the side dish [from the need of a benediction] ⁷⁾.

One Rabbi required a second grace at the conclusion of the dessert ⁸⁾. The reason for the rather confused situation is that this was a period

¹⁾ B. Ber. 53b end (late second century).

²⁾ B. Ber. 46a top.

³⁾ T. Ber. 5, 21, 12₂₅. M. Ber. 7.3.

⁴⁾ LOUIS FINKELSTEIN, "The Birkat Ha-Mazon," *The Jewish Quarterly Review*, N.S. 19 (1928-29) 223-233.

⁵⁾ The non-Jewish benediction over this cup was noted above, p. 192; cf. also Athenaeus, 675bc (ca. 200 A.D.).

⁶⁾ B. Besa 22b (late first century A.D.).

⁷⁾ M. Ber. 6.7.

⁸⁾ T. Ber. 4, 14, 9₂₃ (early second century A.D.).

of transition when the precise status of the first and third parts of the meal had not yet been determined.

At the conclusion of the dessert, one sometimes took a nap ¹⁾.

The third part of the paschal meal departed radically from the order of the normal festive meal as we have described it: the dessert was omitted.

אין מפטירין אחר הפסח אפיקומן

They may not conclude after the paschal lamb with dessert ²⁾.

The reason for this prohibition can be found in a Baraitha.

As it is taught in a Baraitha: The festal offering which comes with the paschal lamb is eaten first in order that the paschal lamb may be eaten as that which satiates ³⁾.

If anything had been eaten after the bit of lamb, the paschal sacrifice would no longer have been that which satiates ⁴⁾.

And yet, a remnant of the third part of the festive meal still remained in the paschal meal. As we have seen, the order of the festive meal was the same for both Jews and gentiles in this period, and so perhaps it was unthinkable that a major part of the meal should be completely eliminated at the paschal meal, even if there was a good reason for doing so. The fourth cup together with the second part of the Hallel plus the benediction for the song remained as a permissible vestige of the normal dessert course. This may explain the division of the Hallel, especially in view of the conclusions which FINKELSTEIN has reached ⁵⁾, namely that Psalms cxiii and cxiv were the original Hallel, and that the other Psalms, pilgrim songs which were sung on all festive occasions, were added later. Thus there was preserved a remnant of the final course, which included food, drinks, and often singing and general merry-making. This conjecture is supported by the following text, which wants to provide further material for group singing.

¹⁾ B. Ber. 4a.

²⁾ אפיקומן is usually, and probably correctly, derived from ἐπίκωμος, revelling.

³⁾ B. Pes. 70a top.

⁴⁾ After arriving at these conclusions in regard to the אפיקומן, I noted that BANETH in SAMMTER, *op. cit.*, partially anticipated me. But he still holds that the main reason for proscribing the dessert and everything that went with it was that such hilarity was inappropriate at the paschal feast. I do not find a basis for such a view in the Tannaitic literature.

⁵⁾ LOUIS FINKELSTEIN, "The Origin of the Hallel," *Hebrew Union College Annual* (Cincinnati, 1950-51) XXII (Pt. 2), 323 f.

We learn in a Baraita: 'At the fourth cup] he concludes the Hallel and says the Great Hallel [Ps. cxxxvi]. These are the words of Rabbi Tarphon [late first century A.D.]. But some say: The Lord is my shepherd, I shall not want. [Ps. xxiii] ¹⁾

THE EUCHARISTIC WORDS IN THE ORDER OF THE PASCHAL MEAL

(1) If we read only Luke xxii 14-20 (long text) and try to place this material within the framework of the paschal meal, I think we must reconstruct as follows. We find Jesus and his disciples already reclining and eating the main course of the paschal meal (vv. 7, 14). They are probably toward the end of the main course, for in vv. 15-18 we find two rather parallel statements dealing with the paschal lamb (15 f. ²⁾) and a cup (17 f.). The paschal lamb was eaten as the last item in the main course. The cup (17) may be the third cup, over which grace was said. This interpretation is substantiated by the two vows of abstinence. The first vow means that Jesus will not again eat the paschal meal/lamb until it is perfected in the kingdom of God; the second statement means that he will not again drink wine (i.e., eat another festive meal, the paschal meal, normally the only time when the common man drank wine) until the kingdom of God comes. The parallelism of the two vows suggests that they are saying the same thing: This is my last paschal meal (or: festive meal). These vows are appropriate and in their proper place at the end of the main course.

The actions described in vv. 19 f. take place after the conclusion of the main course. This view is based on the words $\mu\epsilon\gamma\alpha\lambda\acute{\alpha}\nu\ \delta\epsilon\iota\tau\epsilon\nu\eta\sigma\alpha\iota$ ("after eating"). These words can mean either (1) at the end of the main course, or (2) following the conclusion of the main course. A parallel problem presents itself in the Tannaitic texts where **אחר** can also have either of these two meanings ³⁾. In Luke

¹⁾ B. Pes. 118a top.

²⁾ The word $\pi\acute{\iota}\sigma\chi\alpha$ can be understood as either the paschal lamb, or the paschal meal. In Tannaitic texts, **פסח** also has this double meaning, and is frequently as ambiguous as $\pi\acute{\iota}\sigma\chi\alpha$ in our text. I have chosen to understand it as the paschal lamb because of the other chronological notations in the Lucan text.

³⁾ "If he says a benediction over the wine which is before the meal (**שלפני המזון**; i.e., the first cup), that exempts (him from saying a benediction over) the wine which is after the meal (**שלאחר המזון**, the fourth cup). If he says a benediction over the course (**פרסרת**) which is before the meal (**שלפני המזון**), that exempts (him from saying a benediction over) the course (**פרסרת**) which is after the meal (**שלאחר המזון**). If he says a benedic-

it must refer to the cup following the conclusion of the main course (i.e., the fourth cup), because the end of that course had just been described in vv. 15-18. Furthermore, I find it difficult to imagine that Jesus spoke the words of interpretation in connection with the bread broken at the beginning of the main course (for that bread there was already the customary benediction) and in connection with the cup at the conclusion of the main course (this also was not free for a new interpretation). It is, of course, possible to assume that the words were spoken in connection with bread and wine taken at will between the second and third cups (perhaps toward the end of the second course?); the Tannaitic texts allow this. But I would prefer to think that in the opinion of the framer of the tradition found in Luke and in I Corinthians xi, bread and a cup were introduced anew following the conclusion of the main course, i.e., in place of the omitted dessert. This need not reflect the historical course of events at Jesus' last supper, but could represent an ecclesiastical practice. In a non-paschal setting, there would be no need to eliminate the dessert from the festive meal of the community.

We must also leave open the possibility that this order of events actually had its origin in Jesus' last paschal meal, for it is erroneous to assume that customs were so fixed at that time that no innovation was permitted (cf. the Hillel sandwich and the servant eating intestines, among other things). Life was not as regulated as some assume, and furthermore, the textual material from that period is very minimal, as this study, among others, indicates; our knowledge of the period abounds with lacunae.

tion over the bread, that exempts him (from saying a benediction over) the subsidiary dish (פרפרת); (but if he says a benediction) over the side dish (פרפרת), that does not exempt him (from saying a benediction over) the bread. The School of Shammai say, '(It) also does not (exempt him from saying a benediction over) the contents of the pot.'" (M. Ber. 6.5.) The first statements deal with parts I and III of the meal, and so speak of the wine served prior to the beginning of the main course, and the wine served following the conclusion of the main course. The concluding statements deal with the main course itself. Cf. also mishnah 6. A different usage is found in M. Ber. 8.8, "When wine comes to them at the conclusion of the main course (לאחר המזון) and there is only that one cup there, the School of Shammai say, 'He says a benediction over the wine, and after that he says a benediction over the meal.' But the School of Hillel say, 'He says a benediction over the meal, and after that he says a benediction over the wine.' . . ." Here the third cup, at the conclusion of the main course, is under discussion. See also M. Ber. 6.8, B. Pes. 105b (Baraita).

(2) Turning to the accounts in Mark and Matthew, we find that the words of institution are again placed in the context of a paschal meal. It is evening, and Jesus is reclining with the Twelve. We are not told where in the course of the meal the words of explanation were spoken; it could have been at any time while the group was still reclining and eating.

If we assume that the words of institution circulated independently in the tradition, then that line of tradition represented by Mk.-Mt. gives no hint of where in the meal the words were spoken; it does not even specify which particular meal it was, or which day. Only the 1 Cor.-Lk. tradition suggests where in the meal the action and words are to be placed.

Perhaps a third line of tradition is represented in 1 Cor. x 16 f. Here also, no chronological information is given. An item of interest, however, is the inverted order: cup, bread. The differences among the various lines of tradition is precisely what must be expected in this period. We have noted above with regard to the dessert course that its customs were in a state of flux. The wine at dessert did not always require a benediction ¹⁾, and the bread also could be eaten without saying a benediction ²⁾; the benedictions for the entire course might even have been considered unnecessary (due to the history of the first and third parts of the festive meal). That means that considerable freedom was allowed, and perhaps taken, in the third part of the meal at the time of Jesus. These considerations make it all the more likely that this is the part of the meal where we should expect the actions and words of the Lord's/Last Supper to occur ³⁾.

¹⁾ See previous note.

²⁾ M. Ber. 6.7 quoted above, p. 200.

³⁾ To my colleague, Mr. JOHN W. FRANZMANN, I wish to express my appreciation for his critical reading of this manuscript.

25.

Judentum und Hellenismus: Studien zu ihrer Begegnung unter besonderer Berücksichtigung Palästinas bis zur Mitte des 2. Jh. v. Chr. By MARTIN HENGEL. Pp. viii + 692. (Wissenschaftliche Untersuchungen zum Neuen Testament). Tübingen: J. C. B. Mohr, 1969. N.p.

ARNALDO MOMIGLIANO

THE interest in Gnosticism, which was so evident in German theology and philosophy about 1820–30, produced in its turn an interest in what used to be known as Alexandrian Judaism. Philo became the object of thorough study. The book by that restless critic of Lutheranism, A. Gfrörer, *Philo und die alexandrinische Theosophie*, 1831, has not yet lost its place in Philonian studies. From Philo German theologians went back to Aristobulus, the Essenians, and Ben Sira. They began to suspect Greek influences on Qoheleth. A. Neander's *Genetische Entwicklung der vornehmsten gnostischen Systeme* (1818) was perhaps the main stimulus to the new research. 'Synkretismus' became a fashionable word (F. Chr. Baur). In 1832 F. Chr. Meier published *Judaica, seu veterum scriptorum profanorum de rebus judaicis fragmenta*, a great contribution to seeing the Jews as the Greeks saw them. In 1834 A. F. Dähne published what to my knowledge is the first modern history of Hellenistic Jewish thought: *Geschichtliche Darstellung der jüdisch-alexandrinischen Religionsphilosophie*. In the same years (1833) J. G. Droysen introduced the notion of 'Hellenismus' to indicate a civilization (not, as hitherto, a variant of the Greek language). He formulated the project of describing it both from the political and the cultural point of view. As is well known, Droysen never went beyond the political history of the first century after Alexander. The programme for a history of Hellenistic literature which he expounded in a fundamental review

of G. Bernhardt, *Grundriss der Griechischen Litteratur* (now in *Kleine Schriften* ii. 62-74, written in 1838) was never even partially realized. His ambition to take Philo and Hermetic literature out of the hands of theologians was premature. How the decipherment of Oriental texts, the discovery of inscriptions and papyri and a new attention to literary forms and style slowly changed the situation during the nineteenth century is a familiar story. Initially, the new evidence and the new methods of research further emphasized the differences between Palestinian Judaism and the Diaspora. Hellenization plays only a secondary role in the great surveys of Palestinian Judaism by E. Schürer and W. Bousset (revised by H. Gressmann at a time when circumstances were beginning to change again). The history of gnosis as presented by R. Reitzenstein and his followers (see H. Jonas, *Gnosis und spätantiker Geist* i, 3rd edn., 1964) seemed more than ever to involve Alexandrian, but to leave out Palestinian, Judaism.

In the last forty years certain scholars have become increasingly ready to recognize Hellenistic ideas, beliefs, and style in Aramaic and Hebrew texts which we may assume to have been written in Palestine during the third and second centuries B.C. At the same time archaeologists have been discovering the use of the Greek language and of Hellenistic imagery in unexpected quarters. S. Lieberman, V. Tcherikover, and above all E. Bickerman(n) have strongly advocated the notion of a Palestinian Judaism absorbing institutions, ways of thinking, literary devices and even religious beliefs from the surrounding world. E. R. Goodenough, while maintaining the distinction between normative and Hellenistic Judaism, presented the latter as ubiquitous. The Dead Sea Scrolls reopened the question of a Palestinian pre-Christian gnosis, though the highest authority on Jewish mysticism uttered a word of warning (G. Scholem, *Jewish Gnosticism, Merkabah Mysticism and Talmudic Tradition*, New York, 1960, pp. 3-4, not quoted by Hengel) which further research seems to uphold (U. Bianchi, ed., *Le origini dello Gnosticismo*, Leiden, 1967). To Bickerman we owe more particularly a reinterpretation of the events during the reign of Antiochus IV which makes the Jewish Hellenizers responsible for what used to be called the persecution of Antiochus IV. Bickerman's interpretation of this crisis presupposes a strong Hellenizing movement in Jerusalem about 170 and ultimately raises the question of what happened in Judaea between Alexander the Great and Seleucus IV.

Dr. Hengel, who admires Bickerman's work, as one should, and accepts his conclusions, has given himself the task of assessing the degree of Hellenization of Judaea in the periods preceding the Maccabean revolt. His purpose is to explain how the Hellenizers of Jerusalem

came to be strong enough to force the hand of Antiochus IV. He enumerates the channels through which Hellenistic ideas and customs reached Judaea; he re-examines the well-known evidence of the Zeno papyri, of the Tobiad story in Josephus and of Ben Sira. He properly surveys those aspects of Jewish religion (such as beliefs in immortality, astrology, aretalogy) in which it is difficult to separate foreign influence from native developments. The whole research is done with thoroughness, good judgement, and a sense of responsibility. The collection of materials put together by Hengel will long remain indispensable to scholars. Particularly interesting are the sections on trade relations, on the spreading of Greek culture in the environs of Judaea, on literary models (which includes a long discussion of the Wisdom literature and accepts W. L. Knox's suggestion of contacts with Isis aretalogies in *J.T.S.* xxxviii [1937], pp. 230-7). The book is also very helpful on current bibliography, though less useful as a guide to the trends of research—which should be the first purpose of any bibliography.

If I express some doubts, it is in full awareness of the debt we all owe to Dr. Hengel for his stupendous labour. It seems to me that he has proceeded to establish the degree of Hellenization of third-century Judaism without asking himself in a preliminary way what we know about that Judaism. His book really deals with the Hellenization of an unknown entity. One may, of course, argue that the Jewish texts we can safely date in the period 300-180 B.C. are not of a kind to give us a clear picture of contemporary daily life in Judaea. If so, this ought to be stated unambiguously, and the consequence accepted; namely, that a history of the early contacts between Palestinian Jews and Greeks cannot be written because of insufficient evidence about the former. On the other hand, one may well argue that such evidence as we have is sufficient for a reconstruction of Jewish life in the third to the early second century B.C. This, if I understand it correctly, is the point of view of Bickerman in his *Four Strange Books of the Bible* (1968) which appeared too late to be used by Hengel. In either case rigorous respect for chronology is essential. I found it disturbing that Hengel dates the beginning of the activity of the Teacher of Justice about 160-150 B.C., but uses the Qumrān texts for the story of the Hellenization of the pre-Maccabean period. The emphasis on Hellenization without a precise context leads to conceptual vagueness. Hengel on p. 248 says that the praise of the Fathers by Ben Sira reminds us of the Hellenistic biographic genre 'de viris illustribus'. What a third-century B.C. book *περὶ ἐνδόξων ἀνδρῶν* looked like I do not claim to know (on the earliest by Neanthes see F. Leo, *Griech.-Röm. Biographie*, 1901, p. 113). But the most obvious texts for comparison with Ben Sira are the collections of Roman *elogia*

or Virgil's survey of the ancestors in *Aen.* vi. The trouble is that no historical link between Ben Sira and Virgil is apparent. Ennius does not seem to have preceded Virgil on this point (as J. Vahlen and Ed. Norden believed), and there is no other model for Virgil in the poetry of the Hellenistic period known to me. We may more easily believe that the notion of the chain of transmitters in the *Pirqe 'Abot* has its origins in Greek thought. Yet the function of such a notion is very different in the Jewish context, where it was used to guarantee the authenticity and validity of oral law. Individual Greek philosophers (and Roman lawyers) no doubt added authority to their sayings by attributing them to the founder of the particular sect or school to which they belonged. But to the best of my knowledge they never used this device to eliminate differences of opinion between the schools nor to establish the existence of an originally revealed truth. It is a pity that Hengel has not gone more deeply into the nature of works on the successions of philosophers such as that by Sotion (the article on whom in Pauly-Wissowa was written by Stenzel, not by Muenzer as stated on p. 249, n. 207).

A remark of the same kind can be made on the juridical structure of the Qumrân sect, though, as I have said, it is strictly speaking beyond the chronological limits of the period examined by Hengel. He accepts the theory by H. Bardtke (*Theol. Lit. Zeit.* 86, 1961, pp. 93-104) and C. Schneider (*Qumran Probleme*, ed. H. Bardtke, 1963, pp. 299-314) that the community was modelled on Hellenistic *thiasoi*. The essential point remains, however, as Hengel himself knows, that the Qumrân sectarians had a pact among themselves in so far as they had a pact with God—'un paradoxe vécu' as Annie Jaubert defined it. The function of the Greek institutional form (if it is Greek) within the Qumrân context is unlike anything we know in contemporary Greek societies. Even if we had the charter of Uranopolis or other utopian cities, Qumrân would remain different from a Greek foundation.

Hengel seems to give less than their due to scholars like W. L. Knox and, above all, A. D. Nock who always tried to see what was the *function* of a certain form or formula in a precise historical situation. Hengel, pp. 470-1, also ignores Nock on Posidonius (*J.R.S.* xlix [1959], pp. 5-9).

We can now see more clearly that there is something of a vicious circle in the whole of Hengel's argument. He started from the assumption that Bickerman was right in attributing the role of first movers in the Antiochus IV crisis to Jewish Hellenizers. He therefore tried to confirm this assumption by collecting the evidence about the Hellenization of the previous century. Given the nature of the evidence (or at least his own treatment of it), Hengel was able to assess the amount of the previous Hellenization and its relevance to the Maccabean

revolution only by reference to Bickerman's interpretation of the events under Antiochus IV. Unfortunately, Bickerman's interpretation of what happened between 175 and 164 B.C., however attractive, is not certain. Bickerman had to discount the independent pieces of evidence provided by Dan. xi. 37-9 and 1 Macc. i. 41. Furthermore, Bickerman's interpretation of 2 Macc. iv. 9 *τοὺς ἐν Ἱεροσολύμοις Ἀντιοχεῖς ἀναγράφαι* as 'die Antiochener in Jerusalem aufzuzeichnen', though accepted by Père F.-M. Abel and now by Hengel (p. 506), was shown by Tcherikover, *Hell. Civil. and the Jews*, pp. 404 ff., to be fraught with difficulties. This is not the place to reopen the whole question of the origins of the Maccabean revolt, but I. Heinemann's objections to Bickerman in *Mon. Ges. Wiss. Jud.* lxxxii (1938), pp. 145-72, will have to be given more weight in a future discussion than Hengel seems to be prepared to do.

The question of the Hellenization of the Jews was for the German theologians who first formulated it the question of how much Greek philosophy was absorbed by Alexandrian Jews and eventually transmitted to the Early Christians. Now it has become the question of how much Jewish institutions, customs, and beliefs were affected by contact with Hellenism in the third and second centuries B.C. Hengel, who is an eloquent, learned, and scrupulous witness to this transformation, has perhaps not entirely grasped the implications of it in terms of the study of the evidence.

26.

PHARISAISM AND THE CRISIS OF THE INDIVIDUAL IN THE GRECO-ROMAN WORLD

By ELLIS RIVKIN, Hebrew Union College

IN THE FIFTH CENTURY B.C.E., a minuscule subject people in a speck of land between Syria and Egypt began to order their lives by a book, the Pentateuch, which they believed to be the revelation of the single God Yahweh-Elohim. He had created heaven and earth, capped His creation with man, and after successive failures to secure the loyalty and obedience of mankind at large, he had selected Abraham to father a people. They would be Yahweh-Elohim's special concern, and the recipients of a land flowing with milk and honey, to hold so long as they remained loyal to Yahweh-Elohim and His covenant with them. Should they violate this covenant, Yahweh-Elohim would punish them mercilessly with famine, plague, even dispersion. What Yahweh-Elohim demanded of them was submission to His laws ordaining an elaborate cultic system for the expiation of sins, with authority lodging in the hands of an Aaronide priesthood, presided over by a direct descendent of Aaron-Elazar-Phineas. Although dependent for their existence on Persian imperial pleasure, this people swore fealty to Yahweh-Elohim whom they firmly believed to be the one and only God in the universe, and whose very omnipotence had made Israel a subject people. This audacious denial of empirical reality was affirmed by a community small in number, and not eager to attract adherents from without. Yet, in the first century of the Christian era, Josephus was to write that the religion of the Jews was having a powerful impact upon both the educated classes and the masses throughout the Greco-Roman world.¹

When this fact is coupled with the phenomenon of the rise

¹ Josephus, *Against Apion*, II:281-86.

and spread of Christianity throughout the Greco-Roman world in the first four centuries C.E., the historian is faced with the intriguing problem, not only of how monotheism vanquished polytheism, but of how the Pentateuchal Judaism of a relatively undeveloped agricultural-priestly society could grip the hearts and minds of individuals nurtured in polytheism and acculturated to urbanization. How could a God addressing Himself to peasant and priest, demanding sacrificial victims as prerequisites for expiation, threatening instant death to non-Aaronides who might approach His altar, holding forth the promise of abundant harvest and serenity for His people and length of days for his loyal worshippers, attract the attention, much less the commitment, of an urbanized individual, buffeted by complexity, and seeking reassurance that his individuation would not be permanently blotted out by the remorseless unconcern of fate?

And to sharpen the problem: Where is to be found the source of the syndrome which gave Christianity its uniqueness; namely, 1) the concept of an omniscient, omnipotent, yet intensely personal Creator-Father God whose sovereignty extended over all that is celestial and terrestrial and whose power embraced all functions, all experience, all persons in all times, and whose abundant grace and love for mankind was made manifest through the offer of His only son to deliver sinful man from death, as he opened to him the way to eternal life; 2) the value of the individual in the sight of the Father-Creator God who not only is concerned with him as a unique person in this world, but seeks to afford him the opportunity for *eternal* individuation; 3) the stress on *internalization*: for Christ is real only if he is introjected; hence the arena where the battle for eternal life rages is the inner self, while externality is but temptation, test, and ephemerality.

Whence this syndrome? Surely not Hebrew Scriptures with its this-world-oriented system of rewards and punishments, and its stress on cultic expiation. Nor could it derive from the mystery cults with its stress on immortality, but

its toleration of many gods. From the philosophers perhaps ? Hardly, in view of their disdain for a God who was a person and whose son was a person and who reached out to the semi-literate masses to offer them *too* eternal life.²

This paper seeks the source of this threefold syndrome in a revolutionary form of Judaism that emerged at a time when the Hellenistic monarchies were giving clear signs of disintegration and that transmuted a hierocratic, cultic, agriculturally-oriented Pentateuchal Judaism into a Judaism centered in the aspirations of the individual for eternal individuation, solace, comfort, inner security and reassurance, and in a God sovereign over multiplicity and frightening novelty. This revolutionary form was Pharisaism, and the raw materials from which it emerged were Pentateuchal monotheism, polis institutions, Hellenistic modes of thought and analysis, and creative innovation.

II

The Pharisees have been called by many names, but to my knowledge, never "revolutionaries." They are generally pictured as a sect of rigorous, law-abiding Pietists who separated themselves (hence allegedly the name *perushim*, "separatists") from the masses, the *am ha-aretz*, because of their greater concern with the precise observance of the laws of Levitical purity.³ They appear in the Gospels not as great

² The deliberate withholding by the philosophers of their true beliefs from the masses is stressed by Josephus, *ibid.*: 168-81; 224

³ Cf. Louis Finkelstein, *The Pharisees* (Philadelphia, 1962), I, 74-78, II, 606 and most recently "The Origin of the Pharisees Reconsidered", *Conservative Judaism* 23 (Winter, 1969), pp. 25-36. For the spectrum of scholarly views on the Pharisees, see Ralph Marcus, "The Pharisees in the Light of Modern Scholarship," *Journal of Religion*, 32 (1952) pp. 153-64; A. Michel and I. Le Moyne, "Pharisiens", *Supplément au Dictionnaire de la Bible*, ed. H. Cazelles and Andre Feuillet (Paris, 1965), fascicules 39-40, pp. 1022-1115.

I should especially wish to draw the reader's attention to the seminal contributions of Solomon Zeitlin to the unravelling of the sticky problems obscuring the identity and the history of the Pharisees. Of these, his "Ha-Zedukkim we-ha-Perushim," *Horeb* 3 (1936), pp.

champions of an internalized system but as hypocritical externalizers. Though they conjure up the image of religionists and sages, they do not evoke pictures of aggressive revolutionaries stirring the masses to overthrow Aaronide Pentateuchalism with the sanction of the twofold Law, written *and* oral—a revolutionary concept hitherto unknown; inspiring them with the promise of individual immortality; creating institutions, such as the *Beth Din ha-Gadol*, and the synagogue, which had no biblical precedent; elevating a scholar class into Moses' seat without scriptural warrant; coining new names for God, *makom* (the All Present), *shekhinah* (the all-dwelling Presence), *ha Kadosh Barukh Hu* (the Holy One Blessed be He); reshaping the very nature of the Hebrew language to communicate their revolutionary message; fashioning distinctive oral legislation (*halakah*, *takkanah*, *gezerah*) and oral dicta (the *aggada* form); abandoning scriptural literary models— narrative history, poetry, and the book—for novel *oral* forms of teaching such as distinctive legislation (*halakah*, *gezerah*, *takkanah*) and dicta (the *aggadah* form); adopting logical-deductive, categorical modes of reasoning; fashioning a form of Judaism that could never have developed from the logical immanent development of Aaronide Pentateuchalism. Virtually every element in Pentateuchalism underwent transformation;

56-89, is to be singled out for its methodological originality, and for the impact it has had, and still has, on my own efforts at re-conceptualization. ("The Internal City", *Journal for the Scientific Study of Religion*, 5 [Spring, 1966], 225-40; "The Pharisaic Revolution," *Perspectives in Jewish Learning* 2 [Chicago, 1966], 26-51; "Prolegomenon" to *Judaism and Christianity*, ed. Oesterley and Loewe, Ktav Reissue [New York, 1969], xi-lxx; "Defining the Pharisees", HUCA [1970]. As will be evident from this study—and from those cited above—I diverge from Zeitlin on Pharisaic origins and on the nature, degree, and the extent of the Pharisaic Revolution (cf. my "Solomon Zeitlin's Contribution to the Historiography of the Inter-Testamental Period," *Judaism* 14 [Summer, 1965] 354-67). For Zeitlin's most recent views, see his *Rise and Fall of the Judean State*, (Philadelphia, 1962, 67), 2 vols., *passim*. and "The Origin of the Pharisees Reconfirmed" J.Q.R. 59 (April, 1969), pp. 255-267.

indeed, more often than not, there is annulment, negation, and substitution.

Revolutionaries they were, however hidden their revolution has remained from scholarly exposure ! Ironically, this concealment derives from the nature of the revolution itself: the triumph of a non-writing scholar class that deemed historical narrative irrelevant—only paradigms of the righteous life and the lesson-rich event were pertinent for showing the road to salvation—and who viewed themselves as restorationists not revolutionaries. The non-existence of a sustained historical narrative is itself among the most telling proofs of a revolutionary break with the biblical models which as late as Chronicles, Ezra-Nehemiah is historical-narrative in orientation.⁴

The evidence for the Pharisaic revolution is by no means trivial, though not easily extricated from the sparse sources. Even Josephus tells us nothing of the historical genesis of the Pharisees, introducing them along with the Sadducees and the Essenes as the dominant *haeresis*, a school of thought, in the time of Jonathan the Hasmonean (160-144 B.C.E.).⁵ But Josephus is forthright in affirming that the twofold law of the Pharisees was *operative* prior to its annulment by John

⁴ The history of Pharisaism is largely non-recoverable because of the nature of the sources. Since the writing down of the Oral Law in the Mishnah and the Tosefta did not take place until the third century or later C.E., and since this Law was continuously undergoing change, and since most of it is anonymous, dating becomes a hazardous enterprise. Furthermore, the so-called tannaitic midrash raises its own special problems. And as for the non-legal materials, the *aggadah*, the problems of dating are almost insuperable.

I have attempted to solve these problems by emphasizing the fact of the emergence of a non-writing scholar class with novel modes for transmitting both law and lore as the proof of a revolutionary transformation. The Pharisaic forms *halakah*, *aggadah* and midrash have no biblical prototypes !

I also have drawn on Josephus wherever possible, since he was a Pharisee himself and since he explicitly affirms their existence and operation from the time of Jonathan, the Hasmonean, but not before.

⁵ Josephus, *Antiquities*, XIII: 171-73.

Hyrchanus after his break with the Pharisees;⁶ that its abrogation was followed by the insurrection of the masses;⁷ that the long reign of Alexander Janneus (103-76 B.C.E.) was marked by a bloody civil war⁸ which ended only after his death, when Salome Alexandra (76-67 B.C.) restored the Pharisaic twofold law.⁹ Thus we have conclusive evidence that the Oral Law of the Pharisees was *operative* in the early Hasmonean period, and that not even a Hasmonean dared abrogate this Law without inviting violent, bloody insurrection. Furthermore, Josephus makes it clear that there did exist an alternative to the twofold Law, namely, the onefold, Pentateuchal Law of the Sadducees, for this Law was substituted by John Hyrcanus for the Pharisaic twofold Law.¹⁰ And since *operative* law is the foundation of any viable social or political order, we are confronted here with an issue of concrete power and authority and not of academic or scholastic ruminations. When civil war follows the elimination of one system and its replacement by another, it is evident that the ultimate control of society is at stake. The fact that Salome's restoration of Pharisaic authority was followed by the physical

⁶ *Ibid.*, XIII: 288-98. Note especially 296: "... ὥστε τῇ Σαδδουκαίων ἐποίηδε προσθέσθαι μοίρῃ, τῶν Φαρισαίων ἀποστάντα καὶ τὰ τε ὑπ' αὐτῶν κατασταθέντα νόμιμα τῷ δήμῳ καταλῦσαι καὶ τοὺς φυλάττοντας αὐτὰ καλᾶσαι. μῖσος οὖν ἐντεῦθεν αὐτῷ τε καὶ τοῖς υἱοῖς παρὰ τοῦ πλήθους ἐγένετο".

⁷ *Ibid.*, 299: Ὑρκανὸς δὲ παύσας τὴν στήν ...

⁸ *Ibid.* 398-404.

⁹ *Ibid.* 408-9. Note especially 408: "... καὶ πάντα τοῖς Φαρισαίοις ἐπιτρέπει ποιεῖν, δις καὶ τὸ πλῆθος ἐκέλευσε πειθαρχεῖν, καὶ εἰ τι δὲ καὶ τῶν νομίμων Ὑρκανὸς ὁ πενθερὸς αὐτῆς κατέλυσεν ὧν εἰσηνεγκαν οἱ Φαρισαῖοι κατὰ τὴν πατρῶαν παράδοσιν, τοῦτο πάλιν ἀποκατέστησεν.

¹⁰ Cf. *Ibid.*, 297-8 where Josephus explicitly stresses the distinction between the two systems of Law: "περὶ μέντοι τούτων αὖτις ἐροῦμεν νῦν δὲ δηλώσαι βούλομαι ὅτι νόμιμά τινα παρέδοσάν τῷ δήμῳ οἱ Φαρισαῖοι ἐκ πατέρων διαδοχῆς, ἅπερ οὐκ ἀναγεγράφται ἐν τοῖς Μωυσέος νόμοις, καὶ διὰ τοῦτο ταῦτα τὸ τῶν Σαδδουκαίων γένος ἐκβάλλει, λέγον ἐκεῖνα δεῖν ἡγεῖσθαι νόμιμα τὰ γεγραμμένα τὰ δ' ἐκ παραδόσεως τῶν πατέρων μὴ τηρεῖν. καὶ περὶ τούτων ζητήσεις αὐτοῖς καὶ διαφορὰς γίνεσθαι συνέβαινε μεγάλας ..."

liquidation of the Sadducean advisers of Alexander Janneus points undeniably to the Pharisees as a revolutionary class: they were ready to bring to bear whatever coercive means were necessary for attaining, securing, and consolidating their ultimate authority.¹¹

We have direct evidence that the Pharisees did not shrink from insurrectionary violence when their twofold Law was threatened. We have *indirect* evidence that the twofold Law was originally instituted through a revolutionary upheaval. This indirect evidence is compelling, for it rests on a detailed description of pre-Hasmonean society as it appeared to a knowledgeable, discerning, and communicative observer-participant, namely Ben Sirā. A *Sofer*, a Scribe, himself, he is rapturous about the system of Judaism which flourished in his day— a non-Pharisaic system which concentrated all authority and power in the Aaronide priests, presided over by the High Priest Simon whose lineage was traced through Onias, his father, to Zadok to Phineas, to Eleazar, to Aaron.¹² No other class, not even that of the *Soferim*, the Scribes, had any authority over the Law.¹³ Indeed, Ben Sirā underwrites Aaronide authority by reminding the reader of the fate of Dathan, Abiram and Korah who had dared to challenge Aaron's supremacy.¹⁴

Wherever we turn in Ben Sirā we are given a world that is in complete harmony with the Pentateuch *literally* apprehended. No institutions but those legislated by the Five Books of Moses; no twofold Law; no law-wielding, law-making, law-sanctioning scholar class; no non-biblical names for God; no *Beth Din ha Gadol*; no synagogues; no mandatory prayer; no promise of eternal individuation; no elevation of the oral mode over the written.

¹¹ *Ibid.* 4:10-16.

¹² Ecclesiasticus 50:1-21; cf. 45:23-24.

¹³ *Ibid.* 39:1-11.

¹⁴ *Ibid.* 45:17-19. Note that Aaron (45:6-22) overshadows Moses (45:1-5), and that an everlasting covenant was established with Phineas (23-24).

When we turn from Ben Sira to all other writings that have survived from the pre-Hasmonean period—no insignificant number—the non-existence of the Pharisees, and their distinctive concepts and institutions is confirmed. In vain does one search through Psalms, Proverbs, Ecclesiastes, Job, Chronicles and Ezra-Nehemiah, Ruth, Esther, Daniel or the Song of Songs. Indeed, the very Ezra who was to become a venerated hero of the Pharisees is depicted in the book that bears his name as the champion of Pentateuchal literalism who knows nothing of an Oral Law or a non-Aaronide ruling class.

If we move from Scriptures to Josephus, the negative evidence is no less eloquent. His sources likewise yielded only evidence of hierocracy, except for the challenge of the Tobiads whose aims were *polis* rights and not the enshrinement of the twofold-Law-bearing scholar class. As late as the eve of the Hasmonean revolt, when the priesthood was usurped by Jason and then Menelaus, Josephus knows nothing of the Pharisees.

Yet no later than the time of Jonathan the Hasmonean, the Pharisees are the dominant *haeresis*, and in the earlier years of John Hyrcanus' high priesthood their twofold Law is operative. Aaronide supremacy has collapsed in the interim; and a hitherto unknown scholar class is seated in Moses' seat and a new system of laws is in force. The overwhelming majority of the Jews is so loyal to this new class and *its* system of Law that they defy a Hasmonean and High Priest, and lay down their lives in a desperate generation-long civil war to restore the Pharisees.

Could anything but a large-scale revolution have bridged the gap between two systems of Judaism so logically discontinuous? Is it conceivable that the Aaronides would peacefully yield their supremacy grounded in literal Pentateuchalism to a scholar class trumpeting the sanction of a twofold Law unknown to the Pentateuch or other sacred Scripture? And if there was a transfer of power from one

class to another why should we hesitate to call it a revolution ?

III

Having posited the Pharisaic Revolution, we must now search for its roots in structural changes profound enough not only to have dislodged the Aaronide Pentateuchalists, but also to spur the fashioning of a highly novel form of Judaism. Briefly stated, the structural changes were the inevitable consequences of the steady transformation of an agriculturally centered society of the Persian empire into an urbanized, polis-based society of the Hellenistic monarchies. The Pentateuch and the Aaronide supremacy that it underwrote, were geared to the interests, needs, and functions of the peasant. The Pentateuch addresses itself neither to the urban dweller, his needs, interests and functions, nor, for that matter, to the peasant swept into intimate economic and social relations with the city. The primary ideology of the Pentateuch is the assurance that the single cosmic creator God has chosen a particular people, Israel, who will enjoy agricultural bounty if they obey and support the Aaronide priesthood. This class alone has the power to expiate for sins and to call down Yahweh's blessings on the people. The individual is thus linked to Elohim-Yahweh through the Aaronides and the altar; and though direct prayer to Elohim-Yahweh may be permissible, even laudatory, it is neither mandatory nor efficacious without the sacrificial cult. Furthermore, though the individual is assured of a good and long life if he obeys Elohim-Yahweh—that is, concretely, the Aaronides—he is neither promised eternal life in the world to come, nor resurrection. Priestly intermediation is the heart of the Pentateuchal legal system and therefore precludes a direct God-to-individual relationship which would bypass this intermediation. .

The shift from a relatively primitive agricultural-priestly society to a far more complex agricultural-urban one began in the Persian period with the steady growth of an agricultural

surplus which enriched the cultus, and proceeded at a heightened tempo under the pressure of the *polisification* process that transformed the economic, social, and political structures of the ancient Near East.¹⁵ Although Aaronide supremacy was affirmed by Alexander, the Ptolemies, and even Antiochus III (223-187 B.C.), and Jerusalem did *not* become a *polis*, the springing up of *poleis* on Palestinian soil and the intense heightening of economic interaction throughout the Mediterranean, spurred urbanization, lured peasants to the city, quickened the pace of economic growth, stirred individual initiative, unleashed leisure, and prodded minds to think and sensitive souls to wonder and question.

The outcome was an economic, social, and cultural matrix bearing little resemblance to that frail and undeveloped peasant-priestly society that had underwritten Aaronide Pentateuchalism. Yet withal, the Aaronide system displayed ability to adapt creatively. Nurtured by ever growing economic surplus, the cultic institutions became more resplendent and the Aaronide priesthood more lustrous. The heightened sense of individuality that urbanization unleashed found ample opportunity for expression within the wide and flexible limits set by the Aaronides; for they allowed full scope for any creative expression that did not directly challenge either the Pentateuch as the revelation of Elohim-Yahweh or the Aaronides as the sole authorities over its legislation.

The evidence for this creative solution is to be found everywhere within the literature of that age: the post-exilic Psalms, Proverbs, Ecclesiastes, Job, the Song of Songs, the Wisdom of Ben Sira. Although the forms may differ, the basic elements have a common source: the individual, aware of himself as an observer of the world of experience about him, striving to link this awareness to the Elohim-Yahweh who had revealed the Pentateuch and enjoined that He be worshipped unto all generations through the intermediation of the altar tended by the Aaronides, and the Aaronides alone.

¹⁵ See Victor Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia, 1959) pp. 90-116.

Thus the Psalmist :

“When I see your heavens, the work of your fingers
The moon and the stars which you have established;
What is man that you should remember him
and the son of man that you should care for him ?
Yet you have made him little less than God,
and you crown him with glory and honor.
You have given him dominion over the works of your hand;
Everything have you set under his feet . . .” Psalms 8:4-6

* * *

“He who dwells in the shelter of the Most High,
who abides in the shadow of the Almighty,
will say to the Lord, ‘My refuge and my fortress;
my God, I will trust in him.’
For He will deliver you from the snare of the fowler
and from the deadly pestilence;
He will cover you with His pinions;
and under His wings you will take refuge;
a shield and a buckler is his truth.
You will not be afraid of the terror of the night,
of the arrow that flies by day,
of the pestilence that walks in the darkness,
of the destruction that destroys at noonday . . .
Because he desires Me in love, I will deliver him;
I will protect him because he knows my name.
When he calls to Me, I will answer him;
I will be with him in trouble,
I will rescue him and honor him.
With long life I will satisfy him,
and show him my helpfulness.

Psalms 91:1-6, 14-16

The Psalms offer the individual a mode for articulating his personal longing, agony, confusion, sinfulness, bewilderment, even his vengeful hostility, yet holding him steadfastly loyal to the Pentateuch and the cultus; indeed, it is this

loyalty that assures a listening ear, a sympathetic heart, and a potent response:

"Happy is the man
 who walks not in the counsel of the wicked
 nor stands in the way of sinners,
 nor sits in the seat of the scoffers;
 but his delight is in the Torah of the Lord,
 and in His Torah does he meditate day
 and night . . ."

Psalms 1:1-2

* *

"The Torah of the Lord is perfect
 reviving the soul;
 The testimony of the Lord is sure,
 making wise the simple;
 the precepts of the Lord are right,
 rejoicing the heart;
 the commandment of the Lord is clear,
 enlightening the eyes;
 the fear of the lord is pure, standing forever,
 the judgments of the Lord are true,
 they are righteous altogether,
 more to be desired than gold,
 even much fine gold;
 sweeter also than honey
 and the drippings of the honeycomb . . .

Let the words of my mouth and the meditation of my heart
 be before you,
 O Lord my Rock and my Redeemer."

Psalms 19:8-10, 14

The writers of wisdom literature follow the lead of the Psalmist. In the sagely reflection of Proverbs on the paradoxes of life, the brooding of Ecclesiastes over its disillusionments, or the agonizing questions of a Job, there is no hostility towards Aaronide supremacy, no challenge to Pentateuchal

sovereignty, no clarion call for a new order. And this melding of intense individualism with Pentateuchalism is forthrightly bespoken by Ben Sira who cries out:

“O that a guard were set over my mouth,
and a seal of prudence on my lips,
that it may keep me from falling,
so that my tongue may not destroy me.
O Lord Father and rule of my life,
do not abandon me to their counsel,
and let me not fall because of them!
O that whips were set over my thoughts,
and the discipline of wisdom over my mind!
That they may not spare me in my errors,
and that it may not pass by my sins;
in order that my mistakes may not be multiplied,
and my sins not abound;
then shall I not fall before my adversaries,
and my enemy will not rejoice over me.
O Lord, Father and God of my life,
do not give me haughty eyes,
and remove from me evil desire.
Let neither gluttony nor lust overcome me,
and do not surrender me to a shameless soul . . .

Sirach 22:27; 23:1-6

and yet admonishes:

“With all your soul fear the Lord
and honor his priests.
With all your might love your Maker,
and do not forsake his ministers.
Fear the Lord and honor the priest
and give his portion as is commanded you:
the first fruits, the guilt offering,
the gift of the shoulders,
the sacrifice of sanctification,
and the first fruits of holy things.”

Ibid. 7:29-31

He braids a garland of exquisite praise for the Pentateuch:

“All this is the book of the covenant of the Most High God,
the Law which Moses commanded us
as an inheritance for the congregation of Jacob.
It fills men with wisdom like Pishon,
and like the Tigris at the time of the first fruits.
It makes them full of understanding like the Euphrates
and like the Jordan at harvest time.
It makes instruction shine forth like light,
like the Gihon at the time of vintage.
Just as the first man did not know her perfectly,
the last one has not fathomed her;
for her thought is more abundant than the sea,
and her counsel deeper than the great abyss.

and is overawed by the majesty of the High Priest Simon
officiating in the Temple:

“How glorious he was when the people gathered round him
as he came out of the inner sanctuary
Like the morning star among the clouds,
like the moon when it is full;
like the sun shining on the Temple of the Most High
and like the rainbow gleaming in glorious clouds;
like roses in the days of the first fruits,
like lilies by a spring of water,
like a green shoot on Lebanon on a summer day;
like fire and incense in the censer,
like a vessel of hammered gold
adorned with all kinds of precious stones;
like an olivetree putting forth its fruit,
and like cypress towering in the clouds.
When he put on his glorious robe
and clothed himself with superb perfection
and went up to the holy altar
he made the court of the sanctuary glorious.

Ibid. 50:5-11

The transition, therefore, from relatively simple agricultural society to a more complex agricultural-urban one not only did not at first undermine Aaronide Pentateuchalism, but actually strengthened it—as witness the eloquent testimony of Ben Sira. Far from being stifled, the growing experience of individuation found, within the broad limits of the Pentateuchal system, fallow soil for rootage; for the depiction of Elohim-Yahweh as an intensely personal deity, with human, though elevated attributes, offered rich possibilities as an ego ideal for the individual, since He was an Individual who had neither peer nor competitor. There was no other God, human or otherwise, to split the individual's self-system by attributing to one god sovereignty over one's impulses, to another god sovereignty over one's economic function, and to still a third god sovereignty over one's political or social loyalties. Thus a person to Person relationship could be established which tended to hold the individual together, so he might experience himself and his world as a unity, rather than to fragmentize his inner self or his outer world.

Nonetheless, this one to One relationship was hemmed in by the Pentateuchal limits at the base of Aaronide cultic intermediation. Yahweh could indeed be the individual's Rock and Fortress, his Protector and Redeemer, his Shepherd and his Comforter, provided that Yahweh's Torah, the Pentateuch, was that man's delight and its cultic demands a refreshment for the soul. The sinful soul could cry out in anguish to Yahweh, but without the appropriate guilt offering, he would be compounding his sin, not expiating it. A delicate balance between the Pentateuchal principle of intermediation and the individual's search for an unobstructed person to Person relationship may have been effected, but it dangled on a precarious contradiction.

Cataclysmic change rendered the compromise solution unviable. Pentateuchalism and Aaronide supremacy were shattered by the mounting pressure to Hellenize the priesthood and to carry through whatever structural changes might be

essential for the attainment of *polis* rights. Fast on the heels of Antiochus III's ousting of the Ptolemies from Judea came the successful bid first by Jason, then by Menelaus in the reign of Antiochus IV, to secure the High Priesthood as an instrument for Hellenization (170 B.C.). The cynical disregard for Pentateuchal legitimacy by these priests, followed by a willingness to embrace polytheism, created a crisis of confidence in the traditional Aaronide leadership and seeded the soil for a revolutionary upheaval. A new scholar class stepped into the breach, stirring the masses with a novel concept, the twofold Law (Written *and* Oral), and with a novel promise, eternal individuation. This revolutionary scholar class was the Pharisees and their achievement, the transmutation of Pentateuchalism and the dismantling of Aaronide supremacy.

The evidence of the revolution they wrought is spelled out in no chronicle, but in the transfer of authority from the Aaronides to a non-Aaronidic scholar class; in the subordination of the literal Pentateuch to an orally transmitted system of law; in the creation of a legislature, the *Beth Din ha-Gadol*; in the emergence of the synagogue; in the coining of new names and the forging of new concepts for God; in the re-shaping of language and form of discourse; and in compelling the individual to confront the single Father Creator God in a direct and unmediated relationship. And, if one were to seek out the elemental idea that let loose the revolution and stirred the masses, it was the notion of an internalized Law guiding one along the road to eternal individuation.¹⁶

¹⁶ Cf. Josephus. *Against Apion* II: 217 b—219: "The prize, however, for those who live according to the laws is not silver or gold, nor is it a crown of wild olive or parsley, nor any such like public proclamation. But rather, each individual heeding the witness of his conscience, and the prophesying of the lawgiver, and confirmed by the strong faithfulness of God is convinced that God has granted a rebirth and a better life following on the revolution [of the aeons] for those who observe the laws and, when necessary, die eagerly for them." Josephus thus stresses both internalization ("ἀλλ' ἕκαστος αὐτῷ τὸ συνειδὸς ἔχων μαρτυροῦν πεπίστευκεν . . .") and the restriction of the prize of

IV

The Pharisaic revolution was so radical and thorough because the ground had been well-prepared by the steady penetration of *polis* institutions and Hellenistic culture throughout the Near East, and by the internal crisis that undermined the old system precisely during those years that witnessed the Hasmonean Revolt and the Pharisaic Revolution. Wracked by internal rebellions and weakened by the unrelaxing pressure of Roman power, the Hellenistic monarchies disintegrated into impotence, and unloosed the moorings that had underpinned the security of the individual. Wars had never been absent between the Ptolemies and Seleucids but there had been conflicts fought by strong and stable societies, each effectively supporting the system of *polis* that served as the basic means of imperial control. Indeed, while mercenaries fought, the individual of the *polis* not only felt secure in his *polis* identity, but also in his membership in a larger world, an *ecumene*, that transcended the political and territorial limits of the Hellenistic monarchies. An Antiochian saw mirrored in an Alexandrian his own image.

This twofold security was undermined with the collapse of the Hellenistic monarchies. But the individuation that had been generated by the spread of *polis* throughout the Near East and had been nourished by the autonomous institutions that had been their hallmark did not come to an end with the breakdown of its foundations; on the contrary, the individual became even more aware of his individuation precisely because the external insecurity compelled introspection—not solely for the sensitive poet or the contemplative philosopher—but for everyone. If the external reassurances of one's worth and one's identity were evaporating, where else was one to turn but to an inner world that could reaffirm one's individuality in the face of a bewilderingly

immortality to those who have been steadfastly loyal to the laws (ὅτι τοῖς τοῦ νόμου διαφυλάξαι).

unreliable external world? Once individuation had been unleashed there could be no return to the ideologies that had sustained the peasant in his struggle to fill his granary, and to supply his kneading trough. *Polisification*, with its provisions for citizen participation in law-making, had hammered out a sense of individuality to the point of no return.

Polytheism and Judaism both took up the challenge. Drawing on a host of agricultural and astral deities associated with the agricultural cycle of eternal renewal, the mystery cults transmuted them into gods who had the power to grant eternal life to urbanized individuals. The offer was open to all individuals irrespective of class or of territorial or ethnic origin; i.e., it was an appeal to the individual and *his* search for inner security *wherever* he might be and *whatever* his condition in life. Since polytheism was, with the exception of the Jews, universally acknowledged, the mystery cults could count on a willingness of the individual to take seriously the claim for any legitimate god. The deities of these cults, however, though possessing human attributes, did not have them so bound together as to offer a personal God who could serve as an ego ideal for the individual, unless recourse were made to allegory. Each one had only certain limited functions. A Person did not confront a person. In addition, the fact that other gods existed with equivalent claims diluted the sense of cosmic significance of one's individuality. This particular god cared for him, or that particular god, but not a one and only creator-person God.¹⁷

In two other respects, the mystery cults fell short of solving the individual's search for an internal identity. First, although they offered immortality through cultic participation, they failed to implant within the conscience of the individual an internalized standard that operated continuously; that mobilized the guilt system whenever a breach occurred; and that ceased to flagellate only when reparation satisfying to the internalized standard was effected. And second, the mystery

¹⁷ Ibid. II: 239-54.

cults failed to establish a community of believers whose activity as a community not only transcended the cultic moments, but was more essential for securing eternal life than cultic participation—or, perhaps better stated— was a prerequisite for cultic efficacy.

Judaism likewise offered a solution to the problems of the individual to cope with a disintegrative external world. But it was not the Judaism of the Pentateuch with its preeminent concern with the peasant, the priest, and cultic intermediation. Nor was it the Judaism of the delicate balance between individual and cult that had crowned the security of an optimally functioning Pentateuchal system in Ben Sira's day. It was a new form of Judaism that in addressing itself directly to the crisis of the individual Jew offered a religion that could reach out to every individual wherever he might be and whatever his ethnic or racial origin. This new form was Pharisaism.

Though the Pharisees were beholden to the Pentateuch for their notion of the one and only God who had given an immutable revelation to Moses, they intensified His relationship to the individual at the expense of cult. They did this by affirming that he was the Father-Creator-Law-giving God of the individual—a real cosmic omnipotent Father who was directly accessible to the individual through *mandatory* prayer and whose law was to be *internalized* within the conscience.¹⁸ This *internalized* law was not the literal Pentateuchal Law, but that twofold Law—oral and written—promulgated by the Pharisees. This twofold Law differed radically from the Pentateuch, not only in acknowledging an authority unknown to the Pentateuch, the Pharisaic scholar class, but in spelling out for the individual a discipline em-

¹⁸ Cf. *Ibid.* II: 178 where Josephus stresses the thorough familiarity with the laws, a familiarity made possible by internalization at a tender age ("τοιγαροῦν ἀπὸ τῆς πρώτης εὐθὺς αἰσθήσεως αὐτοὺς ἐκμανθάνοντες ἔχομεν ἐν ταῖς ψυχαῖς ὥσπερ ἐγκεχαράγμένους . . ."); cf. also *ibid.* 20.4 b.

bracing all human activity. No hour of the day or night was beyond its jurisdiction.¹⁹ It was a system of law that shifted the center of concern from the cultus to the conscience, and that focused on social responsibility. One was bound in responsibility to fellow members of the community of those who had also internalized the twofold law—and the non-Pentateuchal term *gemiluth hasadim*, the doing of kindly acts, was coined to denote this responsibility.²⁰ The assurance was that the Father-Creator-Law-giving God was accessible. He was called by names unknown to the Pentateuch: Our Father Who art in Heaven (*abinu she-ba-shamain*), *Makom* (the "All-Present"), *Shekhinah* ("the Divine Presence"), *ha-Kadosh Barukh Hu* ("the Holy One blessed be He"). No longer was God to be found in a special place, the Temple, but everywhere where the individual might be, for the heavenly Father, unlike an earthly father is eternal and is indeed everywhere at once.

The individual was His concern, all individuals, not just Jews. He wanted the individual to have the opportunity for an *eternal* individuation as a reward for keeping the internalized twofold Law.²¹ This Law had been made available

¹⁹ Cf. *Ibid.* 171 where Josephus emphasized the totality of divine obligation ("ἀπασσιν γὰρ αἱ πράξεις καὶ διατριβαὶ καὶ λόγοι πάντες ἐπὶ τῇν πρὸς τὸν θεὸν ἡμῖν εὐσέβειαν ἔχουσι τὴν ἀναφορὰν. οὐδὲν γὰρ τούτων ἀνεξέταστον οὐδ' ἀοριστον παρέλιπεν") and 174 where he spells it out as the standard demanded by God the Father and absolute Master ("... ὡς περ ὑπὸ πατρὶ τούτῳ καὶ δεσπότῃ, ζῶντες μὴ τε βουλόμενοι μὴ θέν μὴ θ' ὑπ' ἀγνοίας ἀμαρτάνωμεν.").

²⁰ Cf. Josephus, *ibid.* 209-210, and Mishnah Peah 1: אלו דברים שאין להם שיעור הפאה, והבכורים, והראיון, וגמילות חסדים, ותלמוד תורה. אלו דברים שאדם אוכל פירותיהן בעולם הזה והקצן קימת לו לעולם הבא. כיבוד אב ואם, וגמילות חסדים והבאת שלום בין אדם לחבירו ותלמוד תורה כנגד כולם

It should be noted that activities most highly rewarded are those involving inter-personal relationships and study. No mention is made of liturgical or cultic acts. It should also be noted that the ultimate reward is in "the world to come". It should likewise be stressed that *talmud torah* is a Pharisaic term, that it means the study of the twofold Law, and that it is the surest means for attaining *personal* salvation.

²¹ Josephus, *ibid.* 217b-219; Wars III: 371-6; *Antiquities*, XVIII:

אָדאָם און אַבֶּל זענען געווען די ערשטע מענטשן, וואס האבן געלעבט אין דער גארטן אין אַדאָם. זיי האבן געקוקט אויף דעם הויכעם טורם, וואס האט געבויט דער הויכער גאט, און זיי האבן געזאגט: "וואס פאר א גאט איז דא, וואס האט געבויט דעם טורם?"

(...הַיְּשׁוּעָה לְכָל הָאֲדָמָה וְלֹא-בְרִית בְּתוֹכָם) confirms that salvation, i.e., the world to come, was available to every Israelite but it was not *guaranteed* to him. He had to earn it by loyal adherence to the twofold Law. An Israelite who rejected the twofold law in principle; i.e. rejected the promise of eternal life, or rejected its divine origin—**וְנֶחֱסֵם אֶת-פָּנָיו מִן-הָעָם** (the two-fold Torah) had no claim to the World to Come.

Pharisaism was thus the Judaism of a reality within. It designated this reality as the yoke of the Kingdom of Heaven, and it confirmed this reality by legislating that in the morning and in the evening the sovereignty of the internal kingdom be affirmed in the saying of the *Shema*.²³ No such command is to be found in the Pentateuch. The *Shema* affirms that God is one and that his laws are eternally binding. Along with the

to Israel by the Father-God through Moses, and its prescriptions were continually being made explicit by the Pharisaic scholar class through the *Beit Din ha-Gadol*, the "Great Legislature." Although it was given to Israel, it was open, through proselytism, to all mankind.²² And though Israel was viewed as a holy community, the personal salvation of each individual was independent of the failure of the community to live up to its mandate. The road to salvation was one that was open to any person, even though no other walked with him. And there was only one way to know how far one had to tread: to scrutinize one's loyalty to the internal standard, as did God, the Father in Heaven,

Shema, the Pharisees insisted that the *Tefillah*, a fixed form of blessings and prayer, be uttered daily;²⁴ and that whenever one partook of God's bounty or was attracted to some extraordinary manifestation of God's power, one was to utter a blessing.²⁵

Little wonder then that the form of religious expression that emerged out of Pharisaism was the synagogue, a decentralized institution for the reading of Scripture, and subsequently for the utterance of prayers in the community of fellow believers in the internalized kingdom—an institution that not only solved the problem of diaspora Judaism, but so effectively undercut the cultus in Judea that only an appropriate event was required for its complete collapse.²⁶

And this is not all. The Pharisees made the Temple irrelevant by shifting the attention of Jews to a scholar class and away from the priesthood. Not only did the Pharisees legislate how the Aaronides were to perform their functions, but by transferring authority from a book, the Pentateuch, to a non-writing scholar class, the Israelite had no alternative but to *listen* to what this class had to say; for the road to salvation was to be found in their teachings and not in a literal perusal of the Pentateuch.²⁷

Their mode of teaching was anything but Pentateuchal.

²⁴ Cf. *M. Berakhot*, chapters 4-5.

²⁵ *Ibid.*, Chapters 6-9.

²⁶ The problem of the origin of the synagogue is a vexing one, since no sources exist chronicling or describing its development. Although most scholars argue for a pre-Hasmonean dating, I have attempted to challenge the methodological assumption that the silence of the sources can be drawn upon to postulate the existence of something. Not only does Ben Sira know nothing of synagogues, but the synagogue when known is exclusively a Pharisaic institution. (See E. Rivkin, "Ben Sira and the Non-Existence of the Synagogue," *In the Time of Harvest*, ed. D. J. Silver [New York, 1963], pp. 321-354.) By contrast, the synagogue is ubiquitous in the Gospels and Acts.

²⁷ Thus Josephus affirms that the divine worship and sacrifices were carried out in accordance with Pharisaic law (*Antiquities* XVIII: 14-15). He also makes clear that even the Sadducees had to knuckle under to Pharisaic teachings whenever they reluctantly served as magistrates. (*Ibid.*).

Gone were the written word and the historical narrative. Gone were the Pentateuchal legal formulae and poetry too, even the prayers were prose. No more was the mode of articulating wisdom in batches of sententious sentences employed. In their stead is the paradigm of the exemplary life, however unhistorical; the moral of a salvation-laden event; laws severed from history and filled with terminology betraying analytical awareness and sophisticated abstraction; language adapted to the novel modes of oral discourse and replete with a non-Pentateuchal vocabulary coined to express non-Pentateuchal concepts.²⁸ Wherever one turns, he is met with a new *form* of Judaism that reiterates its distinctive new message: the one and only Father-Creator-twofold Law-giving God so loved man that he offered him an internalized Law that his individuality might never come to an end.²⁹

If then the source of the *distinctive* Pharisaic forms, institutions, and concepts are not Pentateuchal—though the Pentateuch remained venerated as a divinely revealed book—what served as the models? It would seem that we must posit two sources: (1) the legal systems and thought patterns of the Hellenistic-Roman World, and (2) creative problem-solving. Thus the *Beth Din ha-Gadol* as a legislature would seem to be modeled after the *boulé*; the notion of unwritten laws drawn from the Greek and Hellenistic philosophers; the non-Pentateuchal formulae for a legal statement, abstract legal principles, the analytical methods and exegesis from Greco-Roman models; the preeminence of a scholar class and the significance of the teacher-student relationship

²⁸ Here once again the evidence is to be found in the *forms* themselves and not in the precise dating of content. Thus the *Mishnah* form, the *aggadah* form, the *midrashic* form were oral lore before commitment to writing. The language used to communicate does not utilize biblical models, even in the formulation of law. Indeed even when a verse is interpreted, the two modes of expression are not assimilated.

²⁹ The power of this message is underwritten by the fact that it is the presupposition underwriting the authority of the *Mishnah* and the *Tosefta*. There is no need to repeat this presupposition explicitly, since *every halakah* takes it for granted.

from the philosophic schools; the concepts of Father-God, eternal life, a cosmos—the Pharisees were the first to use the word *olam* to mean world—and the significance of the individual, from the Hellenistic intellectual climate.

But these sources were not passively assimilated. They were drawn upon to the extent that they were helpful in solving the particular problem that generated a revolutionary solution: how to preserve the sole sovereignty of the Pentateuchal God in the face of the collapse of Aaronidism and the inadequacy of the literal Pentateuch for the problems of the urbanized individual. Creative thinking was basic for working out a solution to this problem. To justify the transfer of power from the Aaronides to the scholar class recourse was had to the concept of an *unwritten* revelation that took precedence over the written revelation, and to the claim that the twofold Law was transmitted by Moses to Joshua, by Joshua to the elders, by the elders to the prophets, by the prophets to the men of the Great Synagogue—and by them in turn to the Pharisaic scholar class. The Aaronides had thus never been in charge of the Law! As evidence that the elders and the prophets had indeed wielded an authority that was not limited to the literal Pentateuch, the Pharisees could cite any number of illustrations from the historical and prophetic books of the Bible where prophets had literally taken the Law into their hands by carrying out some Pentateuchally forbidden act, such as sacrifices offered by non-Aaronides. The concept of the Oral Law carried with it precisely this authorization: to negate the Pentateuch if necessary, so that it might be preserved.

The outcome of creative innovation was a distinctive form of Judaism, not a Jewish form of Hellenism. Indeed so thoroughly were the Hellenistic materials interwoven to form a pattern of Judaism, that to this day the Pharisees are believed to have been the successful defenders of a pure Judaism against the pressures of Hellenization. The Mishnah, the Tosefta, the Tannaitic midrash, the *aggadah*—all have

been and still are the hallmarks of authentic, normative Judaism. They are full of law and lore that deal with the Sabbath, the Festivals, the sacrificial cult, prayer, etc. Yet the form, the medium, is Hellenistic-Roman and some of its most crucial concepts are Hellenistic-Roman.

Thus pharisaism confronted the mystery cults. Its appeal is now evident. The individual could solve the crisis of the transition from external to internal security by turning to an omnipotent Father God who could serve simultaneously as the guarantor of eternal individuation and an ego ideal. His attributes were those very human qualities that the individual might successfully imitate. Here was an eternal Person who was just, merciful, kind, moral and fatherly. He had revealed a standard that could be internalized and His eye was ever watchful of one's loyalty and obedience. He also had made known through the Pharisaic scholar class His wish that man do kindly acts to his fellow man, for which he would be rewarded in the world to come.

Since this God was an individual, no individual could find Him wanting. And He held sway over all creation, all mankind, all experience, all eternity, with power undiluted. Thus in identifying with Him one became aware of the world and experience as unifiable. Unlike polytheism, the individual was not offered a fragmented world, but a world whose diverseness and variety was a manifestation of unity. The individual who had through experience become aware that he shared a universe with others and turned to polytheism to seek inner security was offered disorganization. Pharisaism, by contrast, held out to him a Father God who could make him whole, even as He made the universe whole.

V

Pharisaism won its adherents, but it did not emerge triumphant over polytheism. It did, however, generate out of itself a new religion, Christianity, which did emerge triumphant. The winning form of Christianity was rooted in Paul,

who by his own confession was a Pharisee,³⁰ but one who had overthrown the internalized kingdom of the twofold Law.³¹ He, like the Pharisees, preached of a single creator Father God, but this God so loved man that he gave his Son so man might find eternal life. The Son, Christ, was to be internalized, not the twofold Law. Christ was to be the inner standard to measure one's steps to salvation. Christ was the internal security to withstand the blows of outrageous fortune.³² But Christ was one, and his Father one, and the individual to be saved was one: What chance did the mystery cults have now that monotheism was secured in Christ and Christ secured in the individual ?

When, therefore, in the third century, the proud Roman imperium was bending before rebellions from within and onslaughts from without— a fate it had once helped to shape for the Hellenistic monarchies—and the citizens of the Roman empire were experiencing the crumbling of the external foundations of their individuality and their identity, Christianity spoke of an eternal reality grounded in the Father God and Christ, an internal Kingdom that could not be moved. Reassurance was given that the individual was eternally dear to Christ, however shattered by the crumbling world about— and men listened and were moved. They did not know that the solution to the crisis of their individuality was rooted in that form of Judaism which many centuries before had radically transmuted Pentateuchalism to offer the individual an internalized kingdom secured by the

³⁰ Philippians 3:5-6. Cf. Galatians 1:13-14 where Paul boasts of his devotion to the "traditions of my fathers" which can only mean the oral laws: "καὶ προέκοπτον ἐν τῷ Ἰουδαϊσμῷ, ὑπὲρ πολλοὺς συνηλικιώτας ἐν τῷ γένει μου, περισσοτέρως ζηλωτὴς ὑπάρχων τῶν πατρικῶν μου παραδόσεων."

³¹ Cf. Romans 7:7-25. *Since Paul himself avows that he had not only been a follower of the Pharisaic Law, but had fully met all its demands, the Law which proved so agonizing to him could not have been simply the Pentateuchal Law but the Pharisaic twofold Law.*

³² Cf. Romans 7:9-11, 31-39, I Corinthians 8-13, II Corinthians 4:16-6:10 and *passim*.

one God and promising eternal individuation. Nor were they aware that the threefold system of unity that gave Christianity its power to transcend externality was the very system that was to make Judaism impervious to the message of Christ's saving grace: the single Father-God, the promise of eternal individuation, and an internalized standard.

27.

THE ORDER OF THE BOOKS

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It would seem to be incontestable that the threefold division of the Hebrew Scriptures into Torah, Prophets and Hagiographa reflects the historic process whereby these three corpora became canonized.¹ There is also plenty of evidence to show that in early times, and throughout the Talmudic period, it was not customary for the scribes to write the entire Bible continuously as a single roll.² For obvious, practical, reasons such a gigantic roll would have been thoroughly unwieldy, if not unusable, and was not encouraged by the rabbinic authorities.

According to a report in the Palestinian Talmud,³ R. Meir permitted the writing of the Torah and the prophets "as one,"⁴ while the Sages disallowed this, though permitting the Prophets and Hagiographa "as one." Another version of this dispute, this time in the Babylonian Talmud,⁵ reports that R. Meir permitted the "fastening together" of the Torah, Prophets and Hagiographa "as one."⁶ R. Judah required each corpus to be kept distinct, while the Sages insisted on a separate roll for each of the several Books. It is further related by R. Judah that a certain Boethus b. Zonin possessed all the Prophets "fastened together as one," something that was done at the direction of R. Eleazar b. Azariah. A variant tradition, however, denies this. Rabbi (Judah Ha-Nasi) testified that the rabbinic authorities had, indeed, once declared valid a copy of the entire Scriptures "fastened together."⁷

Clearly, the normal practice was not to combine several Books into single volumes, but to restrict rolls to individual works. This state of affairs is exactly what prevails in the Dead Sea Scrolls, and what is

reflected in halakhic discussions regulating the placing of rolls from the different sections of the Canon on top of one another.⁸

In the light of all this it is pertinent to inquire into the meaning of "order." If the three corpora that constitute canonized Scripture were not combined into a single roll, and if even the prophetic Books were only exceptionally so combined, but were regularly kept individually distinct, as it is certain the Hagiographa almost always were, then what is meant, from a practical standpoint, when one speaks of the "order" of the threefold canon? In what way did this order find tangible expression?

It is well known that the earliest source for the arrangement of the Books of Scripture is an anonymous Tannaitic statement appearing in the Babylonian Talmud which separately lists the "order" of the Prophets and Hagiographa.⁹ The sequence given diverges startlingly in many respects from that current in our printed Bibles. The Amoraim questioned and attempted to rationalize some of the more unusual features of the list, but they did not cavil against the concept of a fixed, standard, arrangement. Again, it is appropriate to ask, what is meant by priority in order when each Biblical Book existed as a separate roll?

It might be suggested, of course, that the problem arose when the codex-form came to supplant the roll.¹⁰ Here, the problem of sequence would, indeed, inevitably arise and an authoritative ruling would need to be laid down for scribal instruction.¹¹ However, a study of the history of the use of codices among Jews demonstrates decisively that this explanation has to be ruled out.

In the first place, if the references to the order of the Books were to the codex-form, it would be inexplicable that such a revolutionary development would pass unmentioned in Talmudic literature and would not have its own technical term or have engendered discussion or formulation of the halakhic consequences.¹²

Moreover, the above-mentioned anonymous *Baraita*¹³ that records the order of the Books cannot be later than the end of the second century C.E., and most likely reflects a much earlier tradition. The codex-form had, by the end of the Tannaitic period, become dominant among Christian communities, but it did not really establish itself in the pagan world before the fourth century C.E. Among Jews it was even at this time not in vogue and the use of the roll for the sacred books was still stubbornly adhered to. In fact, it was the adoption of the codex-form for the Scriptures that was one of the

distinguishing features of the Christian communities and that differentiated Christian from Jewish practice.¹⁴ By the time Jews finally yielded to innovation, the differing traditions relative to the sequence of the Books had long crystallized.

Clearly, some explanation other than the need to collect more than one Book onto a single roll or the complete Scriptures into a codex must be found to account for the emergence of a fixed order. It is not a question of the considerations that conditioned a particular arrangement, but a problem of the very meaning of the concept of order itself. Fortunately, recent studies in cuneiform literature, taken together with information long at hand concerning the practices of the Hellenistic book world, afford an opportunity to present a fresh approach to the issue.

Two processes may be discerned at work in the world of the Mesopotamian scribes. A clear and unmistakable trend toward standardization in respect to the classical literature develops, and the growth of archives and libraries takes place. These two phenomena need not necessarily have operated originally in tandem, but it cannot have been long before they interacted to create mutually complementary stimuli to the acceleration of both processes.

The impulse toward canonization (in the secular sense of the word) manifested itself in the emergence of a recognized corpus of classical literature and in the tendency to produce a standardized text, a fixed arrangement of content and an established sequence in which the works were to be read or studied. Tablets would be grouped into series and often subseries, each being properly numbered.¹⁵

The growth of collections of cuneiform tablets (or of papyrus rolls) must, of necessity, have generated rationalized and convenient methods of storing materials in such a way as to facilitate identification and expedite usage. This would be particularly true of a systematically assembled library like that of Ashurbanipal (668–627 B.C.E.) which, it is estimated, contained about fifteen hundred tablets. The techniques adopted and developed in this royal collection must surely have become the model for librarians throughout the cuneiform world.

Generally speaking, the tablets were equipped with informative, identifying colophons, or they were indexed at their rims. They were topically arranged in series, each series apparently having been stored together either in built-in bookcases or in buckets. The bundles were frequently tied together with strings, and tags or docketts were at-

tached to indicate the contents. Of particular interest for assessing the establishment and significance of a fixed sequence is the oft-found scribal practice of including the incipit of the next tablet or series at the end of the preceding item. The existence of catalogues is further proof, if any be needed, of the fixation of order within a given collection, and when these catalogues also contain the serial catch-lines, and when they have been found in duplicate copies, there cannot be any doubt that the concept of a standardized order of classical works became part of the Mesopotamian scribal-bibliographic tradition. This tradition was nurtured as much by archival and library needs as by pedagogic considerations which answered the requirements of the curriculum of the scribal schools.¹⁶

The bibliographic techniques developed in Mesopotamia spread throughout the Near East and undoubtedly exercised a profound influence upon the classical and Hellenistic world, although the channels of transmission cannot yet be determined with certainty. Libraries, private and public, had existed in the classical world as early as the sixth century B.C.E., and they became quite widespread throughout the Greek mainland and Asia Minor in the succeeding two centuries.¹⁷ Since the extreme limit of a Greek papyrus roll was about thirty-five feet, it would be difficult to keep together several works belonging to a single genre or credited to a single author. Hence, collectors resorted to the devices invented by the Mesopotamian scribes. In addition to the informative colophon, they used the book-boxes or buckets for storage in such instances and attached to each roll an identifying tag of papyrus or vellum. They also compiled a list of the works held within each bucket.¹⁸

Our most detailed information about the quest for established order of literary compositions comes, of course, from the greatest library of all antiquity, the crowning glory of the Hellenistic world, the great museum-library of Alexandria.¹⁹ Founded during the first decade of the third century B.C.E., the main collection could boast, just a half-century later, of four hundred thousand "mixed rolls" containing two or more separate works, and ninety-thousand "unmixed" (i.e., single) rolls, while the outer library contained forty-two thousand eight hundred single rolls.²⁰ By the year 41 B.C.E., the library had grown to no less than seven hundred thousand volumes to which were added the two hundred thousand stolen from Pergamum by Marcus Antonius to present to Cleopatra.²¹

A collection of nearly a million volumes would very soon de-

generate into a state of utter chaos without an ordered system of storage, classification and cataloging.²² Accordingly, the manuscripts were distributed throughout ten great halls, each hall representing one of the divisions of Hellenic learning. Then they were housed in the *armaria*, the book-lockers that lined the walls. The key to retrieving the myriads of rolls was the great classification system and the one-hundred-twenty volume catalogue, the famed *Pinakes* developed by Callimachus c. 310–240 B.C.E.). The most significant result of the work of this great bibliographer and of the labors of the “grammarians,” the scholars of the museum-library, was the production of the “Alexandrian Canon,” the authoritative, standardized corpus of the great writers of the past, arranged according to certain principles of order.²³

The impact of Hellenism upon Jewish civilization was many-faceted and enduring and has long received the attention of the scholarly world. In particular, the influence of the Alexandrian grammarians, their professional practices and technical terminology, upon the Jews of Palestine has recently been thoroughly established and documented in great detail.²⁴ It must be remembered that Palestianian Jewry was part of the common Mediterranean civilized world and it occupied a strip of land which was at once the crossroads and meeting point of the Near Eastern and Hellenic traditions. It must be taken for granted that in the libraries of the Jewish communities throughout Palestine in Second Temple times and subsequently,²⁵ as well as in the archives and library of the Jerusalem Temple itself, the established time-honored library practices and bibliographic techniques of Mesopotamia and the Hellenistic world were fully operative.

It is the suggestion of this writer that the Tannaitic discussions anent the order of the Scriptural Books derive from precisely the aforementioned traditions. The three corpora of the Biblical Canon would be stored in the libraries each in its own section, and the individual Books that made up each corpus would be placed in the *armaria* in their appropriately assigned order and shelf-listed accordingly. It might be said, in fact, that the Biblical codices, when they finally emerged, simply reflected and preserved the orders of shelving and cataloging current in the ancient Jewish libraries. What the original, underlying, principles of arrangement were that determined the place and sequence of the books on the library shelves is another matter and beyond the scope of the present study.

NOTES

1. It should be noted that there is good reason to believe that the Hagiographa were never really formally canonized as a complete corpus.

2. The length of rolls varied in the ancient world. The Egyptian Harris Papyrus I (BM 9999) is 133 ft. long. Greek papyri were much shorter, rarely exceeding 35ft. See, F. G. Kenyon, *Books and Readers in Ancient Greece and Rome* 2d. ed. Oxford, 1951. pp. 53f.

3. P. Megillah III, i 73b

4. כותבין תורה ונביאים כאחת

5. Baba Bathra 13b; cf. M. Soferim III, i, iii.

6. מדביק ... כאחד

7. מדובקים כאחד

8. Tosephta Megillah IV (III) 20 (ed. Zuckerman, p. 227, ll. 2f; ed. Lieberman, III, 20, p. 359, ll. 64-66); B. Megillah 27a; P. Megillah, III, i, 73b.

9. B. Baba Bathra 14b סדרן של נביאים ... סדרן של כתובים

10. Cf. H. E. Ryle, *The Canon of the O.T.*, London, 1909, p. 236.

11. See the discussion in C. D. Ginsburg, *Introduction to the Masoretico-Critical Edition of the Hebrew Bible*. Ktav, N.Y., 1966, pp. 1-8.

12. The later Hebrew technical term for the codex, מצחף, is a loan-word from Arabic and is not found before the Geonic period. v. E. Ben Yehuda, *Thesaurus*, VII, p. 3248, s.v. S. Lieberman, *Hellenism in Jewish Palestine*, N.Y. 1962, pp. 204, has pointed out that in rabbinic literature פנקס is sometimes identical with codex. This refers, however, to the primitive sense of writing tablets being fastened together. They were certainly used for records or notes and even if extracts of the Biblical books were recorded in this form, certainly the consecutive inscription of more than one very short book would be out of the question.

13. V. supra n.9.

14. For the revised history of the codex, see C. H. Roberts, *Proceedings of the British Academy*, XL (1954), pp. 169-204. Cf., also F. G. Kenyon, *Books and Readers in Ancient Greece and Rome*, Oxford, 1951, pp. 40, 65, 96-101, 110-115; *idem*, *Our Bible and the Ancient Manuscripts*, N.Y. 1958, pp. 41-43; D. Diringer, *The Hand-Produced Book*, N.Y., 1953, pp. 132f., 161-163, 203; Lieberman, *op.cit.* pp 202-208.

15. These phenomena have been explored in detail by W. W. Hallo, *IEJ*, 12 (1962), 13-26; *JAOS*, 83 (1963), 167-176; 88 (1968), 71-89.

16. See the preceding note as well as, A. Leo Oppenheim, *Ancient Mesopotamia*, Chicago, 1964, pp. 14f., 17-20, 240f. and the literature cited on p. 370, nn. 15-16. Of particular importance is M. Weitemyer, *Libri 6* (1955-56), pp. 217-238.

17. G. H. Putnam, *Authors and Their Public in Ancient Times*, N.Y. London, 1894; Kenyon, *Books*, etc. *op. cit.*, esp. pp. 24, 38, 81; E. A. Parsons, *The Alexandrian Library*, Amsterdam-London-N.Y., 1952, pp. 3-50.

18. Kenyon, *op. cit.*, pp. 62, 64f.; H. Hunger *et al.*, *Geschichte der Textüberlieferung etc.*, Zurich, 1961, pp. 44-46. J. A. Goldstein, *The Letters of Demosthenes*, N.Y. London, 1968, pp. 9f., 19, 267.

19. For a comprehensive description of the Alexandrian library see Parsons, *op.cit.*

20. *Ibid.*, p. 204.

21. *Ibid.*, pp. 24-31.

22. *Ibid.*, pp. 204-218

23. *Ibid.*, pp. 224-231.

24. S. Lieberman, *Greek in Jewish Palestine*, N.Y., 1942; *Hellenism in Jewish Palestine*, N.Y., 2d. ed. 1960.

25. On Jewish libraries in the Roman empire see J. Juster, *Les Juifs dans l'Empire romain*, I (Paris, 1914), p. 474f.